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Security Council

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Identical letters dated 13 November 2012 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

Today, 13 November 2012, the situation is grave in southern Israel.

Hamas continues to use Gaza as a launching pad for constant and appalling attacks targeting Israeli civilians, firing three more rockets into our communities since I last wrote to you yesterday evening. One million people in southern Israel are living their lives facing daily assaults from a brutal terrorist army, while much of the international community remains silent.

Israel withdrew from Gaza to the Green Lines, while Hamas has crossed all Red Lines, firing more than 12,000 rockets into the heart of Israeli population centres.

In letter after letter and speech after speech to the Security Council, the Secretary-General and other bodies of the United Nations, I have conveyed the great danger of the continuous rocket fire from Gaza.

No nation, no people and no Government can accept the daily targeting of its cities and its citizens. This will not continue. There are going to be consequences. The international community should fully understand that Israel is prepared to take all necessary measures to protect its citizens.

I should be grateful if you would have the present letter distributed as a document of the Security Council.

(*Signed*) Ron **Prosor**
Ambassador
Permanent Representative

12-59002 (E) 201112

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United Nations S/2012/836

Security Council

Distr.: General
14 November 2012

Original: English

Letter dated 14 November 2012 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council

I have the honour to transmit herewith the assessments of the President and the Prosecutor of the International Criminal Tribunal for Rwanda on the implementation of the completion strategy of the Tribunal, pursuant to Security Council resolution 1534 (2004), as at 5 November 2012 (see enclosure).

I should be grateful if you would transmit the enclosed report to the members of the Security Council.

(*Signed*) Judge Vagn **Joensen**
President

12-59008 (E) 291112

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Report on the completion strategy of the International Criminal Tribunal for Rwanda (as at 5 November 2012)

[Original: English and French]

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Introduction

1. In 2003, the International Criminal Tribunal for Rwanda ("the Tribunal") formalized a strategy ("the completion strategy") to achieve the objectives of completing investigations by the end of 2004, all trial activities at first instance by the end of 2008, and all of its work in 2010, in accordance with Security Council resolution 1503 (2003).

2. The present report, in conjunction with previous submissions to the Security Council pursuant to resolution 1534 (2004), provides an overview of the Tribunal's progress to date in implementing the completion strategy, which has been continuously updated and developed since 2003.[1]

3. As at 5 November 2012, the Tribunal has completed its work at the trial level with respect to 92 of the 93 accused. This includes 54 first-instance judgements involving 74 accused, 10 referrals to national jurisdictions (four apprehended accused and six fugitive cases), three top-level fugitives whose trials will be before the International Residual Mechanism for Criminal Tribunals (the "Residual Mechanism"), two withdrawn indictments and three indictees who died prior to or in the course of trial. The one remaining trial judgement will be delivered before the end of 2012, and appellate proceedings have been concluded in respect of 44 persons. The remaining appeals are projected to be completed by the end of 2014.

4. In the previous reporting period, the Tribunal had referred its first case of an accused in its custody to Rwanda and had created a robust monitoring mechanism for referred cases. During the current reporting period a second decision to refer an accused in the custody of the Tribunal was rendered by the Trial Chamber in June 2012 with respect to Bernard Munyagishari. The decision to refer the case to Rwanda is currently under appeal. The appeals decision is expected to be rendered in January 2013.

5. While nine accused persons indicted by the Tribunal remain at large, none will be tried by it. The cases of six of the nine fugitives have been referred to Rwanda, while the remaining three will stand trial before the Residual Mechanism when they are arrested. Preservation of evidence proceedings under rule 71 bis have now been completed for all three who will be tried before the Residual Mechanism.

6. The transition from the Tribunal to the Residual Mechanism is now well under way since the opening of the Arusha branch on 1 July 2012. Most judicial and prosecutorial functions have already been handed over to the Residual Mechanism, and administrative services are being provided to it by the Tribunal and the International Tribunal for the Former Yugoslavia, with plans for the transition to take place on a continuous basis as the Mechanism prepares to support itself in various administrative functions.

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[1] See the reports submitted to United Nations on 14 July 2003 and 29 September 2003, in connection with General Assembly resolution 57/289 and the Tribunal's request to increase the number of *ad litem* judges sitting "at any one time". Completion strategy reports were submitted to the President of the Security Council on 30 April 2004, 19 November 2004, 23 May 2005, 30 November 2005, 29 May 2006, 8 December 2006, 31 May 2007, 20 November 2007, 13 May 2008, 21 November 2008, 14 May 2009, 9 November 2009, 25 May 2010, 1 November 2010, 12 May 2011, 4 November 2011 and 11 May 2012.

I. Activities in Chambers

A. Activities at first instance

7. The present report covers the period from 12 May to 5 November 2012. At the beginning of the reporting period, the remaining workload of the Tribunal included three trial judgements, four cases where a decision on an application for referral to Rwanda was pending and a decision on a motion for damages, all in the context of single-accused processes. In addition, nine fugitives remained at large. During the reporting period, two judgements were delivered (31 May and 19 June); the third is expected in December 2012. The Trial Chamber also decided in favour of the four applications for referral and dismissed the motion for damages in its entirety. As a result of this, and as long as no arrests are made in the two contempt of court/false testimony cases where orders in lieu of indictments have been confirmed before 30 June 2012, all trial work is expected to be finished by December 2012.

8. In accordance with the previous report (S/2012/349), the major challenges for the coming months remain the completion of the pending case, the transition to the Residual Mechanism and the preparation of archives for the handover to the Residual Mechanism amid the continued departure of key staff. The present report shows that, despite persistent staffing challenges, the Tribunal remains on track to deliver the final trial judgement, as projected in the previous report.

1. Judgements (annex 1.A)

9. On 31 May 2012, a section of the Trial Chamber composed of Judges Bossa, presiding, Tuzmukhamedov and Rajohnson, rendered oral judgement in the *Nzabonimana* case, sentencing Callixte Nzabonimana to life imprisonment after finding him guilty of genocide, conspiracy to commit genocide, direct and public incitement to commit genocide and extermination as a crime against humanity. Nzabonimana was the Rwandan Minister of Youth and Associative Movements between April and July 1994, and had previously served as Minister of Planning. He also chaired the Mouvement républicain national pour le développement et la démocratie (MRND) party in Gitarama *préfecture* during the relevant period. Fifty-nine witnesses testified before the Chamber throughout the trial. The written judgement was filed on 25 June 2012.

10. On 19 June 2012, a section of the Trial Chamber composed of Judges Muthoga, presiding, Park and Fremr, rendered oral judgement in the *Nizeyimana* case, sentencing Ildéphonse Nizeyimana to life imprisonment after finding him guilty of genocide, extermination as a crime against humanity, murder as a crime against humanity and murder as a war crime. The charges of rape as a war crime and rape as a crime against humanity, as presented in the indictment, were dismissed. Nizeyimana was a captain at the military training school in Butare during the events charged in the indictment. The trial was one of the fastest for its size in the history of the Tribunal. Evidence from 84 witnesses was heard during the course of the trial. The written judgement was filed on 22 June 2012.

2. Case in judgement drafting phase (annex I.B)

11. Only the *Ngirabatware* case remains in the judgement drafting phase, with the judgement expected to be delivered in December 2012. During the reporting period, a section of the Trial Chamber, composed of Judges Sekule, presiding, Bossa and Rajohnson, concluded the evidence phase of the trial, hearing closing arguments from 23 to 25 July 2012. Deliberations and judgement drafting began immediately thereafter. The accused was the Minister of Planning during the relevant period and is charged with genocide or complicity in genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, and rape and extermination as crimes against humanity.

3. Referrals pursuant to rule 11 bis (annex II)

12. As detailed below, throughout the reporting period and following the first referral to Rwanda in the Tribunal's history, which had taken place in the previous reporting period, four further cases were referred to Rwanda. Of these, one related to a detained accused, the *Munyagishari* case, and the other three pertained to accused at large. The referral of these and the six previously referred cases has reduced the Tribunal's workload to one trial judgement and will help it to remain on track with the current completion strategy goals for timely closure. In line with the transitional arrangements annexed to Security Council resolution 1966 (2010), the Residual Mechanism took over judicial oversight of the monitoring of all referred cases from 1 July 2012. However, it was agreed that the President and Registrar of the Tribunal would continue to administer the monitoring efforts in the *Uwinkindi* trial in close consultation with the President of the Residual Mechanism.

13. On 6 June 2012, the Referral Chamber, composed of Judges Muthoga, presiding, Park and Kam, ordered that the case of Bernard Munyagishari, arrested on 25 May 2011, be transferred to Rwanda for trial under rule 11 bis of the rules of procedure and evidence. The Chamber ordered the appointment of an independent organization as a monitor, either instead of or in addition to, the Tribunal staff who are monitoring the *Uwinkindi* case in Rwanda while negotiations with an organization to act as monitor are concluded.

14. On 20 June 2012, in referral proceedings in the *Ryandikayo* case, Judges Joensen, presiding, Arrey and Kam, ordered that the case be transferred to Rwanda. The accused, Charles Ryandikayo, remains at large.

15. On 25 June 2012, in referral proceedings in the *Ndimbati* case, Judges Joensen, presiding, Arrey and Kam, held that the case be transferred to Rwanda. The accused, Aloys Ndimbati, remains at large.

16. On 28 June 2012, in referral proceedings in the *Munyarugarama* case, Judges Joensen, presiding, Arrey and Kam, determined that the case be transferred to Rwanda. The accused, Phénéas Munyarugarama, remains at large.

4. Other work in the Trial Chamber

Special depositions pursuant to rule 71 bis

17. Evidence preservation was concluded in the previous reporting period in the case against fugitive Protais Mpiranya, and evidence preservation was concluded in

June 2012 in the cases of fugitives Augustin Bizimana and Félicien Kabuga. All three will be tried by the Residual Mechanism when arrested.

Claim for compensation

18. On 18 June 2012, a section of Trial Chamber III, composed of Judges Arrey, presiding, Park and Kam, decided on a motion for damages brought forward by the accused in the *Zigiranyirazo* case. Protais Zigiranyirazo filed an application seeking US$ 1,006,550 in compensation for his eight-and-a-half year detention before his acquittal by the Appeals Chamber. He also requested that the Tribunal issue an order compelling his relocation to Belgium. The motion was denied in its entirety. Zigiranyirazo's motion for leave to appeal or for review of the Trial Chamber's decision is currently pending before the Appeals Chamber.

Office of the President

19. During the reporting period the President issued orders and decisions on such matters as State cooperation, witness protection review, enforcement of sentences and conditions for the monitoring of referred cases.

20. On 25 July 2012, the President, in his double-hatted role as Duty Judge of the Residual Mechanism, issued orders varying protective measures in the *Kalimanzira*, *Hategekimana*, *Renzaho* and *Rwamakuba* cases. Protected victims or witnesses may consent to the rescission, variation or augmentation of protective measures, or, on the basis of a compelling showing of exigent circumstances or where a miscarriage of justice would otherwise result, the Chamber may order *proprio motu* such variances in the absence of consent.

21. During the reporting period, the President consistently met and continued to collaborate with, the Archives Unit of the Tribunal to ensure a smooth transition to the Residual Mechanism. The President participated in ongoing preparations for the launch of the Residual Mechanism, which held its opening event on 2 July 2012.

22. On 29 June 2012, the President issued formal guidelines for Tribunal staff acting as monitors of the *Uwinkindi* trial in Rwanda. The President also administered the monitoring of the *Uwinkindi* case in Rwanda by Tribunal staff and, with the Registrar, continued to pursue negotiations to reach an agreement with the African Commission on Human and Peoples' Rights to monitor the case.

5. Status of fugitives (annex III)

23. As at 5 November 2012, nine fugitives indicted by the Tribunal remain at large. However, none remain within the Tribunal's purview of responsibility, since six of the nine cases have been referred to Rwanda and the remaining three top-level fugitives will be tried by the Residual Mechanism.

B. Activities at the Appeals Chamber

24. As at 5 November 2012, appellate proceedings have been concluded in respect of 44 persons. During the reporting period, the Appeals Chamber delivered one appeal judgement concerning one person, in the *Gatete* case. The Appeals Chamber also rendered two decisions concerning referral appeals, two decisions concerning post-appeal requests and 46 pre-appeal orders and decisions.

25. The Appeals Chamber has met its projection of delivering four appeal judgements concerning four persons in 2012. Three appeals concerning seven persons are expected to be disposed of by the end of 2013, and the remaining four appeal judgements concerning 10 persons will be delivered in 2014.

26. In its judgement of 9 October 2012, the Appeals Chamber affirmed Jean-Baptiste Gatete's convictions for genocide and extermination as a crime against humanity. The Appeals Chamber also granted the prosecution's appeal and entered a conviction for conspiracy to commit genocide. Because the Appeals Chamber found that Gatete's right to be tried without undue delay had been violated, it set aside his sentence of life imprisonment and imposed a sentence of 40 years' imprisonment.

Pending appeals from judgement: seven cases

27. The trial judgement in the *Ndindiliyimana et al. (Military II)* case was rendered on 17 May 2011 and issued in writing on 17 June 2011. All five parties (the four accused persons and the prosecution) appealed. The briefing was concluded in May 2012 and the appeals are being prepared for a hearing.

28. The trial judgement in the *Nyiramasuhuko et al. (Butare)* case was rendered on 24 June 2011 and issued in writing on 14 July 2011. All seven parties (the six accused persons and the Prosecution) appealed. The last notice of appeal was filed in April 2012 and the briefing is in progress.

29. The trial judgement in the *Mugenzi & Mugiraneza (Government II)* case was rendered on 30 September 2011 and issued in writing on 19 October 2011. Two of the parties (both accused persons) appealed. The briefing was completed in May 2012, the appeals were heard in October 2012, and deliberations are in progress.

30. The trial judgement in the *Ndahimana* case was rendered on 17 November 2011 and issued in writing on 18 January 2012. Both the defence and prosecution filed their notices of appeal in February 2012 and the briefing is in progress.

31. The trial judgement in the *Karemera & Ngirumpatse (Government I)* case was rendered on 21 December 2011 and issued in writing on 2 February 2012. All three parties (both accused persons and the prosecution) filed their notices of appeal in March 2012 and the briefing is in progress.

32. The trial judgement in the Nzabonimana case was rendered on 31 May 2012 and issued in writing on 25 June 2012. Both the defence and prosecution filed notices of appeal and the briefing is in progress.

33. The trial judgement in the *Nizeyimana* case was rendered on 19 June 2012 and issued in writing on 22 June 2012. Both the defence and prosecution filed notices of appeal and the briefing is in progress.

II. Measures implementing the completion strategy

34. The following section supplements prior reports and highlights essential elements of the Tribunal's efforts to comply with its completion strategy.

A. Judicial calendar and management of proceedings

35. The Tribunal has continued to make progress towards the completion of all trial work, and the small amount of remaining work will be completed before the end of 2012. Continued premature staff departures in Chambers, combined with unanticipated litigation, has continued to challenge the ability of the judgement drafting and trial teams to complete their work as projected. However, despite those challenges, all projections have been met during the reporting period, and the projection for delivery of the final remaining trial judgement in the *Ngirabatware* case by the end of the year remains intact. Any appeal in the *Ngirabatware* case will be handled by the Residual Mechanism since the deadline for appeals to be filed with the Tribunal was 30 June 2012. Pending Tribunal appeals remain on track to be completed by the end of 2014.

36. The Tribunal has continued to make progress towards completing its mandate. As detailed in Section III below, all organs are working diligently to facilitate the closing of the Tribunal and the transition to the Residual Mechanism. The Tribunal has continued its downsizing, and the projected date for completion of all work, apart from the liquidation of assets, remains to be the end of 2014.

37. There remains only a small amount of work to be completed by the Trial Chamber, and the transfer of judicial functions to the Residual Mechanism is nearly complete. Monitoring mechanisms are in place for the cases transferred to Rwanda pursuant to rule 11 bis and are in the process of being handed over to the Residual Mechanism. The cases of six fugitives have been referred to Rwanda, while the remaining three will stand trial before the Residual Mechanism when they are arrested. Preservation of evidence proceedings under rule 71 bis have all been completed. It is vital that the Tribunal work to retain necessary staff until the expiry of contracts, in line with the downsizing plans so that it may complete all the necessary work within current projections.

B. Judges and staff management

1. Judges

38. Currently, 11 permanent judges and three ad litem judges are working in the Trial and Appeals Chamber of the Tribunal.

39. During the reporting period, Judges Florence Rita Arrey (Cameroon), Aydin Sefa Akay (Turkey), Lee Gacuiga Muthoga (Kenya), Seon Ki Park (Republic of Korea), Gberdao Gustave Kam (Burkina Faso), and Robert Fremr (Czech Republic) left the Tribunal after completion of their final cases. Judges Khalida Rachid Khan (Pakistan) and Bakhtiyar Tuzmukhamedov (Russian Federation) were redeployed to the Appeals Chamber in March and June 2012, respectively, bringing the number of permanent judges who sit on the Appeals Chamber from the Tribunal to five.

40. On 29 June 2012, the Security Council adopted resolution 2054 (2012), permitting four judges, including the President of the Tribunal, to serve beyond the expiry of their terms of office in order to fulfil the completion strategy. Two of the three judges serving on the *Ngirabatware* bench are expected to demit office once the written trial judgement is filed in that case, and the third, Judge Sekule, is expected to be redeployed to the Appeals Chamber at that time. Due to statutory

requirements and continued duties beyond the end of the trials, the President will continue until the completion of all Tribunal appeals and the anticipated transition of all judicial functions to the Residual Mechanism at the end of 2014. The Tribunal wishes to express its gratitude to the Security Council, as well as the Informal Working Group on International Tribunals, in particular its Chair, for the swift action taken to ensure that the resolution would be adopted in a timely manner, thus helping the Tribunal to continue to meet its completion strategy targets.

2. Staff management and budget

41. As indicated in earlier reports, staff recruitment, retention and separation will continue to be major challenges throughout the completion process. Where recruitment is required, the Tribunal has difficulty attracting suitably qualified candidates, given that the work of the Tribunal will be concluded by 2014 and that only limited contractual security can therefore be provided. The Tribunal continues to experience difficulties in retaining experienced staff who, given the lack of financial incentives to stay with the Tribunal to complete their work, the few possibilities for upward mobility and the reduced contractual security, have been leaving the Tribunal to accept offers of employment elsewhere, either within or outside the United Nations system.

42. The downsizing process that began in 2008-2009 will continue in 2012-2013 with the proposed abolition of 212 posts, representing 34 per cent of the authorized 2010-2011 level. A mechanism designed to identify which individual staff members are to be separated as part of the downsizing process in a fair and transparent manner has been put in place in consultation with the Staff Association.

43. Such challenges continue to have an impact on the ability of managers to perform their regular functions, which consequently affects programme delivery. This is compounded by the fact that the reduction in staff is causing managers and staff to be required to perform an increasing range of functions. The Tribunal continues to receive the support of the Department of Management of the Secretariat, in particular the Office of the Controller and the Office of Human Resources Management, to implement mitigating strategies in line with the applicable Staff Rules and Regulations of the United Nations.

C. Work of the Office of the Prosecutor

44. The Office of the Prosecutor has continued to focus its efforts on completing ongoing trials and appeals, tracking the remaining fugitives, updating the files of the fugitives and pursuing the referral of cases to national jurisdictions, and has concluded proceedings for the preservation of evidence in respect of three high-level fugitives, Félicien Kabuga, Protais Mpiranya and Augustin Bizimana. Additionally, and in the light of Security Council resolution 1966 (2010), the Office has focused on transitional activities that will ensure a smooth transfer of functions to the Residual Mechanism, the Arusha branch of which commenced on 1 July 2012.

1. Workload

45. During the reporting period, the Prosecution Division completed its final trial — that of *Augustin Ngirabatware* — and received trial judgments in the cases of *Callixte Nzabonimana* and *Idélphonse Nizeyimana*. Both Nzabonimana and

Nizeyimana were convicted and sentenced to life imprisonment. The Trial Chamber's judgement in the *Ngirabatware* case is expected in December 2012.

46. In addition, the Office of the Prosecutor has succeeded in obtaining the referral, pursuant to rule 11 bis, of eight cases to Rwanda for trial. The referral orders in seven of those cases (*Uwinkindi*, *Sikubwabo*, *Kayishema*, *Ntaganzwa*, *Ndimbati*, *Ryandikayo* and *Munyarugarama*) are now final. The referral order in the *Munyagishari* case is not yet final because both the Prosecutor and Defence have filed appeals from the Referral Chamber's decision. A decision on those appeals is anticipated by January 2013. Two other cases (*Laurent Bucyibaruta* and *Wenceslas Munyeshyaka*) were referred to France in November 2007 under rule 11 bis and remain with the French judiciary. Significant progress in those cases has been noted during the reporting period.

47. The proceedings for the preservation of evidence in the third and last of the fugitive cases, *Augustine Bizimana*, were concluded on 25 June 2012. Consequently, the Office of the Prosecutor has handed over the files of all three key fugitives, Kabuga, Mpiranya and Bizimana, to the Prosecutor of the Residual Mechanism upon the commencement of its Arusha branch in July 2012.

48. The Investigation Section of the Office of the Prosecutor has continued its efforts to track down the remaining fugitives as well as to prepare for the handover of the investigation and tracking functions to the Prosecutor of the Residual mechanism, with effect from 1 July 2012. During the reporting period, the downsized Investigation Section continued to provide support to the remaining trials and appeals, to proceedings for the preservation of evidence and to the management of the witnesses for the Office. The Information and Evidence Support Section has been downsized since June 2012. The reduced staff is multitasking in order to service the sections of the Office. The research activity of the Information and Evidence Support Section in support of the Appeals and Legal Advisory Division and the mutual legal assistance provided to national prosecuting authorities continue to be intense. During the reporting period, the Information and Evidence Support Section was also busy preparing the records of the Office for archiving and applying the various levels of classification to those ready for handover to the Residual Mechanism. This has now been made possible pursuant to the recent promulgation of the Secretary-General's bulletin on archiving and retention criteria (ST/SGB/2012/3). Preparations for the transfer of the investigation records of the Office from Kigali to Arusha, United Republic of Tanzania, are under way and will be finalized before the end of 2012. Office records that are no longer active will be centralized in Arusha for archiving and thereafter transferred to the Residual Mechanism. Since July 2012, the evidence database containing all evidence gathered by the Office has been shared with the Office staff of the Residual Mechanism.

49. The Appeals and Legal Advisory Division has been attending, among other matters, to the rule 11 bis litigation detailed above. Additionally, the Division has been litigating 29 appeals from trial judgements rendered in eight cases, as well as three appeals in the *Munyagishari* and *Munyarugarama* rule 11 bis proceedings. It has also been actively preparing for the anticipated Trial Chamber judgement in the *Ngirabatware* case, which may generate two potential appeals before the Residual Mechanism.

50. More particularly, on 21 May 2012, the Appeals and Legal Advisory Division filed the Prosecutor's appeal brief in the *Karemera et al.* case, which involves two accused. Briefing as to one accused (Ngirumpatse) is now complete, but briefing with regard to the remaining accused's appeal (Karemera) is awaiting translation. On 29 June 2012, the Division filed the Prosecutor's notices of appeal from the Trial Chambers decisions in the *Nizeyimana* and *Nzabonimana* cases. On 12 September 2012, the Division filed the Prosecutor's opening briefs in both cases; additional briefing awaits the translation of the trial judgements into the working language of the Defence.

51. On 29 June 2012, the Appeals and Legal Advisory Division also filed the Prosecutor's brief in support of his appeal in the *Munyagishari* referral proceedings. The Prosecutor's appeal challenges only certain conditions that the Referral Chamber imposed on its referral order. On 30 October 2012, the Defence filed its brief in response to the Prosecutor's appeal, and on 5 November 2012 the Prosecutor filed his brief in reply. Further briefing on the Defence appeal will be completed in the first half of November 2012 and, as noted above, a decision is anticipated in January 2013.

52. On 7 August 2012, the Prosecutor filed his brief in response to the *Phénéas Munyarugarama* appeal before the Residual Mechanism from the decision referring his case to Rwanda. On 5 October 2012, the Appeals Chamber affirmed the referral order. The Prosecution file will be officially handed over to Rwanda in November 2012.

53. On 8 October 2012, the Appeals and Legal Advisory Division presented oral argument in the *Mugenzi et al.* appeal. Additionally, on 9 October 2012, the Appeals Chamber affirmed the Trial Chamber judgement in the *Gatete* case, upholding the accused's convictions and imposing an additional conviction for conspiracy to commit genocide. The Appeals Chamber substituted a 40-year sentence for the life sentence imposed by the Trial Chamber.

54. In addition to appeals from final judgements and sentences, the Appeals and Legal Advisory Division has continued to work on applications for post-conviction review or reconsideration, and other collateral proceedings. Following briefing by the parties, the Appeals Chamber denied, on 2 July 2012, a motion for reconsideration filed by *Ferdinand Nahimana* challenging the denial of his earlier application for the review of his 28 November 2007 conviction and sentence. Briefing in connection with the application for review filed by *Juvénal Kajelijeli* was completed during the reporting period, but the matter remains under consideration by the Appeals Chamber. During the reporting period, the Division also responded to an application for damages or compensation for the alleged violation of fundamental rights filed by *Protais Zigiranyirazo*, whose 2008 convictions in the Trial Chamber were set aside by the Appeals Chamber's 16 November 2009 judgement. On 18 June 2012, the Trial Chamber denied *Zigiranyirazo*'s motion. *Zigiranyirazo*'s motion for leave to appeal that decision to the Appeals Chamber remains pending.

2. Cooperation of the Office of the Prosecutor with Member States

55. During the reporting period, there was sustained interest from Member States in their efforts to bring to trial, within their national jurisdictions, the Rwandan suspects appearing on the International Criminal Police Organization (INTERPOL)

list of wanted fugitives. The Office of the Prosecutor continued therefore to provide mutual legal assistance and information to national prosecuting authorities, including Rwanda. While the responsibility for servicing the foreign requests for assistance has been formally moved to the Residual Mechanism since July 2012, Office staff continued discharging this responsibility in their double-hatted capacity. Requests to the Prosecutor for information from the extensive database of the Office remained at a level similar to that of the previous reporting period. The Office has responded to 40 requests received from 12 Member States. With the full complement of staff for the Office of the Prosecutor of the Residual Mechanism expected to be in place by the end of November 2012, the Tribunal's Office of the Prosecutor will formally hand over that responsibility.

3. Staffing

56. With the completion of the prosecution workload and the transfer of several functions to the Residual Mechanism, the Prosecution Division will close and its remaining staff will separate in December 2012. Furthermore, pursuant to the budget submissions of the Office of the Prosecutor of the Tribunal, several additional Office posts, including posts in the Appeals and Legal Advisory Division and the immediate Office, will be abolished in December 2012. The Office held retention review exercises in April and October 2012 to identify the staff best suited to completing the Office's remaining work.

D. Cooperation between Member States and the Tribunal

57. Efficient cooperation with Member States remains a cornerstone of the Tribunal's success in completing its mandate. This relates in particular to ensuring the arrests of the remaining fugitives, the possible referral of cases to national jurisdictions, the transfer of convicts for the enforcement of their sentences, and the relocation of acquitted persons and persons who have served their sentence.

58. The Office of the Registrar continued to act as the channel of communication between the organs of the Tribunal as well as its diplomatic arm. As such, the Office of the Registrar maintained high-level diplomatic contacts with Member States, international organizations, and non-governmental organizations. During the reporting period, the Office of the Registrar, through its External Relations and Strategic Planning Section, transmitted 71 notes verbale and other correspondence related to the operations of the Tribunal, in particular to secure support and cooperation from Member States with respect to ongoing trials as well as to serve warrants of arrest.

59. With respect to the enforcement of sentences, the Tribunal transferred four convicted persons on 29 June 2012 to Benin to serve the remainder of their sentences (Aloys Ntabakuze, Ildéphonse Hategekimana, Gaspard Kanyarukiga and Callixte Kalimanzira). On 1 July 2012, four other convicted persons were transferred to Mali to serve the remainder of their sentences (Théoneste Bagosora, Tharcisse Renzaho, Dominique Ntawukulilyayo and Yusuf Munyakazi). The relocation of convicted persons who have finished serving their sentence remains an issue of concern calling for a sustainable solution that requires the increased cooperation of Member States.

60. The Office of the Registrar, through the External Relations and Strategic Planning Section, has continued to request and obtain judicial assistance and cooperation from Member States on behalf of the defence teams.

61. Moreover, the President and Registrar have continued to deploy all efforts to find host countries for the five acquitted persons who remain in the safe houses in Arusha under the Tribunal's protection. For one of those individuals, it has been more than six years since the confirmation of his acquittal by the Appeals Chamber. The challenge to relocation results from the absence of a formal mechanism to secure the support of Member States to accept such persons within their territories. The statute of the Tribunal is silent in this respect, and the cooperation of Member States as required by article 28 of the statute does not extend to the relocation of acquitted persons. The Tribunal considers the resettlement of persons acquitted by an international criminal tribunal to be a fundamental expression of the rule of law and is concerned about the consequences of failing to fulfil that obligation. In the light of the imminent closure of the Tribunal and the insufficient level of voluntary Member State cooperation, and despite the assistance of the Office of the United Nations High Commissioner for Refugees and the human rights implications of the delayed relocation of acquitted persons, the Tribunal continues to struggle, and therefore once again calls upon the assistance of the Security Council to find a sustainable solution to this issue.

62. The report on the work of the Office of the Prosecutor above highlights close cooperation with regard to the arrest of fugitives, the preparation of referrals to national jurisdictions and assistance to national prosecuting authorities.

E. Outreach, capacity-building

63. During the current downsizing phase and the reporting period, the Tribunal has attracted a higher number of visitors — 804 in total. The visitors have included high-level United Nations and Government officials, academics, civil society members, non-governmental organizations and the general public.

64. In July and August 2012, Tribunal staff from the Registry, Chambers and Prosecution participated in a colloquium in Kigali aimed at sharing Tribunal procedures and experiences with the judges, prosecutors and defence attorneys who would be working on cases transferred from the Tribunal and other States. As a follow-up to the colloquium, and at the request of the Rwandan judiciary, a Chambers staff member was sent to Kigali to offer further training on judicial procedures and trial management in October 2012. Such capacity-building efforts are planned to continue throughout 2012-2013.

65. The Tribunal also provided training to the Court of the Economic Community of West African States on judicial filing and case management by staff from the Court Management Section in October 2012.

66. The Tribunal also continued to disseminate information to all national, regional and international stakeholders and organized several exhibitions and workshops on its work in Dar es Salaam, United Republic of Tanzania, Nairobi and Kigali. In addition, more than 4,000 copies of the Tribunal's cartoon book entitled "100 days: in the land of a thousand hills", which informs and teaches youth about genocide, its causes and dynamics, in particular the Rwandan genocide and the

concept of "Never again" becoming a reality, were distributed in Burundi, Kenya, Rwanda, Uganda and the United Republic of Tanzania. The activity was part of a major youth sensitization project conducted by the Tribunal and supported by Germany and the United Nations Office in Nairobi in the Great Lakes Region, and included an essay and drawing competition involving more than 100 schools and exhibitions and workshops organized in all capital cities in the region on the work and relevance of the Tribunal.

67. The Information and Documentation Centres scattered across Rwanda remain the flagship initiative of the Tribunal's outreach programmes in the country. The main centre in Kigali, Umusanzu Centre, continues to supervise and distribute information materials on the Tribunal to the above-mentioned provincial centres as part of the Tribunal's legacy.

68. From 14 May to 7 June 2012, with funds from the Department of Public Information of the Secretariat, the Tribunal continued to conduct awareness-raising programmes regarding lessons learned from the genocide of 1994. The programmes were successfully implemented in Rwanda's major prisons, benefiting about 20,000 inmates.

69. Capacity-building activities for legal professionals in Rwanda continued to be provided during the reporting period. A group of eight lecturers from the Faculty of Law of the Independent University of Kigali, including the dean of the faculty, were trained in online legal research methodology, learning how to access legal information and materials, including the Tribunal's jurisprudence.

70. A group of more than 100 legal professionals from different Government institutions undergoing a diploma course in legislative drafting at the Institute of Legal Practice and Development, based in Nyanza, southern Rwanda, will be trained by a team from the Information and Documentation Centres. The training, which was held in October, focused on online legal research and its role in legislative drafting.

F. Division of Administrative Support Services

71. The Division of Administrative Support Services continued to provide administrative support to all organs of the Tribunal and to the recently launched Residual Mechanism, which is taking over the residual functions of the Tribunal. The activities described below were conducted during the reporting period with respect to the downsizing of the Tribunal.

72. The Human Resources and Planning Section continued to offer training and counselling services in addition to administering staff entitlements. The Section is continuing to prepare staff to transition to other jobs. In addition, the Section is continuously reviewing and updating the separation process in order to quicken the receipt of end-of-service benefits by the separating staff. The Career Resource Centre is continuing to provide training on the preparation of curricula vitae, on how to use the Inspira recruitment system and on interviews.

73. The Security and Safety Section continued to support the Tribunal to ensure the safety and security of its staff, premises, assets and operations through implementation of United Nations security management system policies. Close collaboration was promoted with the host Government authorities in Rwanda and

the United Republic of Tanzania. The Section continued to monitor security trends and to ensure appropriate measures against threats existing in the operating environment. It also contributed to planning activities for the commencement of the Residual Mechanism, in accordance with arrangements agreed between the Tribunal and the Mechanism.

74. The General Services Support Section continued with the services already provided but at a much reduced rate. The Section was reorganized to rationalize the functions of the Receiving and Inspection Unit, the Property Control and Inventory Unit and the supply stores. A number of offices formerly occupied by Tribunal staff were returned to the Arusha International Conference Centre in the light of the reduction in staff. In order to make more savings, some sections were moved into office containers. There has been continuous writing off of surplus items as part of the liquidation plan.

75. The Finance and Budget Section continued to prepare payments for separating staff while monitoring the rational use of funds in accordance with the approved budget, which has led to difficulties in providing services due to the limited availability of resources.

III. Transition to the International Residual Mechanism for Criminal Tribunals

76. In compliance with Security Council resolution 2054 (2012), section III details the efforts made during the reporting period in respect of the transition to the Mechanism, including projections, with concrete dates where possible, for the handover of functions.

A. Judicial functions

77. Security Council resolution 1966 (2010) and the transitional arrangements annexed thereto set out mandates for a coordinated transition of the judicial functions of the Tribunal to the Residual Mechanism on 1 July 2012, or as soon thereafter as possible.

78. Pursuant to article 2 of the transitional arrangements, the Tribunal retains competence over all appeals filed before 30 June 2012. Any subsequent appeals filed with respect to Tribunal decisions or judgements are therefore under the responsibility of the Residual Mechanism, including appeals, if any, related to the final remaining trial judgement in the *Ngirabatware* case. In accordance with the statute of the Residual Mechanism and the transitional arrangements, the Residual Mechanism will also be responsible for requests to review Tribunal judgements filed on or after 1 July 2012, trials for contempt of court or false testimony where the indictment is confirmed on or after 1 July 2012, retrials of Tribunal cases ordered on or after 1 July 2012, and the trials of any of the three remaining Tribunal fugitives once arrested. The Arusha branch Duty Judge of the Residual Mechanism (double-hatted Tribunal President Joensen) has already handled a request for the amendment of an indictment in one of the three fugitive cases. Supervision of the enforcement of sentences has also already been handed over to the President of the Residual Mechanisms.

79. The Residual Mechanism has also begun to handle requests for assistance by national authorities. So far, the Duty Judge has been assigned to handle each request as it is received by the President of the Residual Mechanism.

B. Office of the President

80. Pursuant to article 6(5) of the statute of the Residual Mechanism, judicial functions with regard to cases referred by the Tribunal to national courts, such as the monitoring of cases (with the assistance of international or regional organizations) and consideration of revocation, became the responsibility of the Residual Mechanism after 1 July 2012. Given that the resources in relation to the *Uwinkindi* case are contained in the Tribunal budget, it was jointly agreed by the Tribunal and the Residual Mechanism that during the current biennium, while the President of the Residual Mechanism would assume all judicial functions related to the monitoring of cases, the Registrar and President of the Tribunal would continue to oversee the administrative functions, in close consultation with the Residual Mechanism. The *Munyagishari* case was referred to Rwanda by a Tribunal Trial Chamber in June, but is still pending appeal.

81. The responsibility to seek relocation for acquitted persons and those who have been released after the completion of their sentences will also remain with the Tribunal for the current biennium. That decision was reached on the basis of a number of factors. In addition to budgetary considerations, it was agreed that such a task was an administrative matter that should remain with the President and Registrar of the Tribunal, with the hope that all relocation could be concluded within the current biennium. Additionally, owing to the nature of the relocation efforts, many of which have involved the personal efforts of Tribunal officials, the Tribunal and the Residual Mechanism have considered the continuity of actors within such discussions to be a key factor to the successful relocation of the persons acquitted and released by the Tribunal.

C. Registry

82. On 1 July 2012, pursuant to article 20 of the statute of the Residual Mechanism and article 5 of the transitional arrangements, the Witness and Victims Services Section of the Tribunal fully responded to the call of the Registrar of the Residual Mechanism to hand over the necessary documents and share information and best practices with a view towards facilitating a seamless transition of this function. Due to the diminishing number of cases for which the Section will remain responsible, the Tribunal anticipates that it will no longer need an entire section to deal exclusively with witness protection issues and has therefore arranged for these duties to be performed by others in the Judicial and Legal Services Division.

83. The Tribunal has continued to operate its Library, extending access and all related services to the staff and guests of the Residual Mechanism.

84. The Language Services Section, to the extent possible, has already provided some assistance to the Residual Mechanism regarding the translation of judicial filings and official documents, but is necessarily limited in its capacity to provide such services owing to the number of trial and appeals judgements that remain to be translated.

85. The External Relations and Strategic Planning Section has continued to share information and experiences with the Residual Mechanism, as needed.

D. Division of Administrative Support Services

86. The Division of Administrative Support Services has continued to offer administrative support to all organs of the closing Tribunal, while providing the requested support to assist the commencement of the Residual Mechanism. In particular, the Division ensured that facilities and services were ready for the launch of the Residual Mechanism on 1 July 2012. It provided views and offered guidance to the Residual Mechanism on matters relating to the host country agreement for the Mechanism as well as on protocol issues and dealings with the Government of the United Republic of Tanzania. The Division was also instrumental in assisting the Residual Mechanism in liaising with the Government of the United Republic of Tanzania with respect to the location of the new premises of the Arusha branch.

87. In order to comply with Security Council resolution 1966 (2010), the following activities were conducted as part of the downsizing of the Tribunal and contributed to the commencement of the Residual Mechanism:

(a) Security and Safety Section: provided registration and identification cards for staff and guests of the Residual Mechanism, and personal protection for the President and the Registrar, and handled access control for the offices. This was done in tandem with the usual provision of security services to the Tribunal;

(b) General Services Support Section: continued to provide the services that had already been offered to the Residual Mechanism prior to the reporting period. Supply stores continued to provide stationery and other expendables, and travel and shipping services continued to facilitate the travel and shipment activity of Residual Mechanism staff. The Procurement Unit facilitated the purchase of vehicles, and the Transport Unit assisted the Residual Mechanism in having its vehicles serviced by the Tribunal contractor as well as in making use of fuel cards. Building Management Services carried out the refurbishment of offices for the Residual Mechanism, involving the provision of various types of office furniture, carpets, and curtains. Building Management Services also facilitated the use of the conference facilities of the Arusha International Conference Centre for Residual Mechanism town hall meetings. Photocopiers, refrigerators, drinking water and shredders and transport facilities were provided to Residual Mechanism staff arriving in Arusha. The issuance of residence permits has been facilitated for the Registrar and other Residual Mechanism staff, and documents to facilitate the importation of vehicles for the Residual Mechanism have been prepared;

(c) Finance and Budget Unit: helped to process the payments of expenses incurred in order to help facilitate the functioning of the Residual Mechanism. Tribunal funds were dispensed to assist the Residual Mechanism in this regard, upon the provision of appropriate financial authorization from the Registrar of the Residual Mechanism;

(d) In accordance with the agreed upon division of labour between the Tribunal and the International Tribunal for the Former Yugoslavia for the initial recruitment of Residual Mechanism staff, the Human Resources and Planning Section of the Tribunal assisted the Residual Mechanism in organizing the lateral

transfer of Tribunal/International Tribunal for the Former Yugoslavia staff to the Residual Mechanism, through a competitive and open process and in compliance with the parameters established by the Office of Human Resources Management of the Secretariat. It also assisted in the recruitment process by identifying suitable Division of Administrative Support Services staff to be on interview panels and Central Review Board members to help review cases for the Residual Mechanism, and by issuing appointment letters. The Human Resources and Planning Section has assisted in staff administration by facilitating the installation of new Residual Mechanism staff at the Arusha branch;

(e) Information Technology Services Section: provided personal computers, printers and a scanner and installed desk phones, servers, access to Lotus Notes and television sets for the offices of various senior Residual Mechanism officers. Discussions have also been initiated and are ongoing with regard to developing an integrated information technology infrastructure for both branches of the Residual Mechanism.

88. During the reporting period, administration chiefs from the Tribunal participated in a retreat organized by the Registrar of the Residual Mechanism to ensure that the Residual Mechanism would be provided administrative services in the most effective and cost-efficient manner. The Tribunal anticipates that its administrative support to the Residual Mechanism will be gradually reduced as of the beginning of 2014, or earlier, where possible.

E. Office of the Prosecutor

89. The Residual Mechanism was formally launched in Arusha on 1 July 2012 by the Principals of the Mechanism. The Security Council had, on 29 February 2012, appointed the Tribunal Prosecutor as the Prosecutor for the Residual Mechanism with effect from 1 March 2012. This greatly facilitated the preparations for and coordination of key activities to establish the Residual Mechanism.

90. Much of the preparatory work for the recruitment of key staff, the acquisition of facilities and the negotiations with the Tribunal, the International Tribunal for the Former Yugoslavia, host countries and other Members States, in respect of witnesses, detainees and cooperation agreements already executed, was carried out prior to 1 July 2012.

91. Upon formal appointment, the Tribunal Prosecutor designated a number of professional staff of the Office of the Prosecutor of the Tribunal to double hat, by taking on responsibilities related to Residual Mechanism activities. Since 1 July 2012, several key staff members of the Office of the Prosecutor of the Residual Mechanism have been appointed by the Registrar. Investigation and tracking functions have been moved to the Residual Mechanism, whose investigators are based in Kigali. The Appeals and Legal Advisory Division of the Tribunal, in a double-hatted capacity, conducted the appeal before the Appeals Chamber of the Residual Mechanism, in respect of the Tribunal decision to transfer the fugitive case of *Munyarugarama* to Rwanda for trial. The Prosecution Division, pursuant to completing the updating of the files of the three key fugitives (Kabuga, Mpiranya and Bizimana) handed over the relevant files to the Prosecutor of the Residual Mechanism.

92. While Residual Mechanism staff have access to the relevant records of the Office of the Prosecutor of the Tribunal, the active records will be transferred in due course to the Prosecutor of the Residual Mechanism and the completed files and records to the Residual Mechanism archives. Coordination and close cooperation by the Residual Mechanism with the International Tribunal for the Former Yugoslavia and the Tribunal continue in order to ensure that the Residual Mechanism operates smoothly despite its current limited resources.

93. The full complement of staff of the Office of the Prosecutor of the Residual Mechanism, pursuant to ongoing recruitment, is expected to be in office by mid-December 2012. In order to ensure a smooth transition of appeal and mutual legal assistance functions from the Tribunal's Office of the Prosecutor to the Residual Mechanism's, the staff of the former will continue to double hat until the full complement of the latter's is in place.

94. Tracking functions have already been transferred to the Prosecutor of the Residual Mechanism. The full archives of the Office of the Prosecutor of the Tribunal are expected to be transferred to the respective Office of the Residual Mechanism upon completion of all Tribunal appeals and related litigation. In the meantime, as soon as the Residual Mechanism archives are established, materials no longer in active use will be transferred on an ongoing basis.

F. Archives

95. During the reporting period, one of the most significant developments related to the preparation of the Tribunal's archives for transfer to the custody of the Residual Mechanism was the approval of the Tribunal's retention schedule by the Office of Central Support Services on 27 August 2012. The retention schedule provides instruction on the appropriate disposal of the records created and received as a result of the work of the Tribunal, authorizes the destruction of the records of the Tribunal that have exceeded their retention periods and substantiates the work related to the preparation of the records to be transferred to the custody of the Residual Mechanism.

96. Another significant development in the archives transfer process was the promulgation, on 20 July 2012, of the Secretary-General's bulletin on information sensitivity, classification, handling of and access to the records of the Tribunals (ST/SGB/2012/3). The document, which is a result of the collaborative efforts of the Tribunal, the International Tribunal for the Former Yugoslavia, the Office of Legal Affairs and the Department of Management of the Secretariat, establishes the policy-level groundwork for the procedures on the classification of the records of the Tribunal prior to their transfer to the Residual Mechanism. It also establishes the basis for the security and access policies and procedures to be applied to the records after they have been transferred, as well as the practices to be put in place regarding the security, access and handling of the information and records generated as a result of the work of the Residual Mechanism.

97. Despite the challenges related to the staff retention and recruitment associated with the upcoming closure of the Tribunal, the work of preparing the records of the Tribunal for transfer to the Residual Mechanism has continued. All judicial records received to date, including over 2 million pages of paper-based records and nearly 37,000 hours of audiovisual recordings, have been digitized, and incoming materials

are being digitized as they are received. The rehousing of original materials and the verification of hardcopy judicial records against the associated metadata and electronic versions of the records has been completed for all 20,000 original transcripts and over 10,000 exhibits. The editing of nearly 9,000 hours of audiovisual recordings, representing 3,000 hours of proceedings, has been completed. To date, approximately 50 per cent of the paper-based judicial records have been rehoused and verified, and 15 per cent of the audiovisual materials have been edited. The Tribunal is in the process of recruiting additional staff to expedite the preparation of these records for the transfer.

98. While the Tribunal's Archives and Records Management Working Group continues to provide oversight and technical assistance across all offices of the Tribunal in the appraisal and disposal of records, the lack of appropriate storage space for the records continues to pose significant challenges to the disposal process and, ultimately, the transfer of the archive management function to the Residual Mechanism. Concerns related to the structural stability of many locations in the Arusha International Conference Centre, including the inadequate load-bearing capacity of the floors and irreparable water damage to the walls, have led to delays in the establishment of an adequate records repository, as have the limited resources available for renovations. The Archives and Records Management Working Group continues to work with the Tribunal's Division of Administrative Support Services to identify solutions to those challenges. It is anticipated that, by the first quarter of 2013, repositories suitable for the temporary storage of the records and archives under the custody of the Tribunal and the Residual Mechanism will have been constructed at the Centre's premises. The Tribunal will be in a position to transfer 25 per cent of its hardcopy records having long-term or permanent value to the custody of the Residual Mechanism by the end of 2012. However, the actual handover process will be dependent upon whether the renovations of the records repository have been completed by that time. The handover process will then be conducted in a phased manner, as records are prepared. The target date for the completion of the handover process is December 2014, bearing in mind that the records still being used to support the functions under the responsibility of the Tribunal cannot be transferred to the custody of the Residual Mechanism until the Tribunal is no longer responsible for the conduct of those functions.

99. In addition to preparing its archives for the transfer, the Tribunal has supported the transition process by providing information management support to the Residual Mechanism. This has included contributing to the development of practices for the receipt, registration and distribution of judicial filings, as well as providing substantive and technical support in the processing of incoming filings. Such support has facilitated the smooth transfer of 24 cases from the competence of the Tribunal to the competence of the Residual Mechanism.

IV. Conclusion and updated prognosis regarding the implementation of the completion strategy

100. During the reporting period, judicial and legal activity was mostly focused on the completion of the final trial judgement and on requests for referral of cases to Rwanda, and administrative activity concentrated on the downsizing of the Tribunal and on providing support to the Arusha branch of the Residual Mechanism, while

still continuing to provide support for the remaining judicial and legal work of the Tribunal. In June 2012, the Tribunal rendered its second decision to refer an accused in the custody of the Tribunal to Rwanda. Since then, the focus on referrals has been significant — six fugitive cases have now been referred to Rwanda, with the three remaining top-level fugitives to be tried before the Residual Mechanism. Current projections for the transfer of administrative services to the Residual Mechanism indicate that the Mechanism should begin to reduce its reliance on the Tribunal's administration in 2014.

101. Before the end of 2012, the Tribunal will deliver its final trial judgement. All evidence preservation hearings have now been completed and all referral applications at the trial level have been disposed of, with only one referral pending appeal. The arrangements necessary for the handover of judicial responsibilities to the Residual Mechanism are nearly complete. The Tribunal has also commenced the process of transferring records and archives to the Residual Mechanism, and a smooth transition of prosecutorial tasks is on track.

102. While it must be recalled that possibilities exist for contempt/false testimony cases to be heard by the Tribunal in the two cases where indictments were confirmed before 1 July 2012, each could commence shortly after arrests have been made and could be completed approximately six months after the start of trial. Thanks to the continued hard work and dedication of the staff, if no arrests are made in these cases, the Tribunal will complete all trial activities by the end of 2012. Moreover, barring any delays in the translation of trial judgements and related documents that the Defence is legally entitled to receive in a language that the accused can understand, all appeal judgements remain on track for completion by the end of 2014.

103. As the work at the Tribunal concludes, the Tribunal is striving with renewed vigour to preserve 18 years of international efforts to bring justice to Rwanda and to help to build sustainable peace in the region. The Tribunal's aim of seeking justice, national reconciliation and capacity-building remains strong, in order to ensure that the Tribunal may serve as an example for both creating and closing an international legal institution. Member States and Tribunal staff members have been indispensable in providing the support necessary for the Tribunal to become a court that has not only challenged impunity but has also added a new dimension to international law.

Annex I.A

Trial judgements delivered as at 5 November 2012 (54 judgements concerning 74 accused)

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial Chamber*	*Trial judgement*
1	J.-P. Akayesu	*Bourgmestre* of Taba	30 May 1996	I	2 September 1998
2	J. Kambanda	Prime Minister	1 May 1998	I	4 September 1998 (guilty plea)
3	O. Serushago	Businessman, *Interahamwe* leader	14 December 1998	I	5 February 1999 (guilty plea)
4	C. Kayishema	*Préfet* of Kibuye	31 May 1996	II	21 May 1999 (joinder)
	O. Ruzindana	Businessman	29 October 1996		
5	G. Rutaganda	Businessman, Second Vice-President of *Interahamwe*	30 May 1996	I	6 December 1999
6	A. Musema	Businessman	18 November 1997	I	27 January 2000
7	G. Ruggiu	Journalist, Radio-télévision libre des mille collines (RTLM)	24 October 1997	I	1 June 2000 (guilty plea)
8	I. Bagilishema	*Bourgmestre* of Mabanza	1 April 1999	I	7 June 2001
9	G. Ntakirutimana	Doctor	2 December 1996	I	21 February 2003 (joinder)
	E. Ntakirutimana	Pastor	31 March 2000		
10	L. Semanza	*Bourgmestre* of Bicumbi	16 February 1998	III	15 May 2003
11	E. Niyitegeka	Minister of Information	15 April 1999	I	15 May 2003
12	J. Kajelijeli	*Bourgmestre* of Mukingo	19 April 1999	II	1 December 2003
13	F. Nahimana	RTLM Director	19 February 1997	I	*Media* case (joinder) 3 December 2003
	H. Ngeze	Kangura Editor	19 November 1997		
	J.-B. Barayagwiza	Director, Ministry of Foreign Affairs	23 February 1998		
14	J. Kamuhanda	Minister of Culture and Education	24 March 2000	II	22 January 2004
15	A. Ntagerura	Minister of Transport	20 February 1997	III	*Cyangugu* case (joinder) 25 February 2004
	E. Bagambiki	*Préfet* of Cyangugu	19 April 1999		
	S. Imanishimwe	Lieutenant, Forces armées rwandaises	27 November 1997		

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial Chamber*	*Trial judgement*
16	S. Gacumbitsi	*Bourgmestre* of Rusumo	20 June 2001	III	17 June 2004
17	E. Ndindabahizi	Minister of Finance	19 October 2001	I	15 July 2004
18	V. Rutaganira	*Conseiller* of Mubuga	26 March 2002	III	14 March 2005 (guilty plea)
19	M. Muhimana	*Conseiller* of Gishyita	24 November 1999	III	28 April 2005
20	A. Simba	Lieutenant Colonel, Forces armées rwandaises	18 March 2002	I	13 December 2005
21	P. Bisengimana	*Bourgmestre* of Gikoro	18 March 2002	II	13 April 2006 (guilty plea)
22	J. Serugendo	Technical Director, RTLM	30 September 2005	I	12 June 2006 (guilty plea)
23	J. Mpambara	*Bourgmestre* of Rukara	8 August 2001	I	12 September 2006
24	T. Muvunyi	Interim Commander, École des sous-officiers	8 November 2000	II	12 September 2006
25	A. Rwamakuba	Minister of Education	7 April 1999	III	20 September 2006
26	A. Seromba	Priest, Kivumu *commune*	8 February 2002	III	13 December 2006
27	J. Nzabirinda	Youth organizer	27 March 2002	III	23 February 2007 (guilty plea)
28	J. Rugambarara	*Bourgmestre* of Bicumbi	15 August 2003	II	16 November 2007 (guilty plea)
29	GAA	Witness before Tribunal proceedings	10 August 2007	III	4 December 2007 (contempt of Tribunal)
30	F. Karera	*Préfet* of Kigali	26 October 2001	I	7 December 2007
31	S. Nchamihigo	Deputy Prosecutor of Cyangugu	29 June 2001	III	24 September 2008
32	S. Bikindi	Musician	4 April 2002	III	2 December 2008
33	P. Zigiranyirazo	Businessman	10 October 2001	III	18 December 2008
34	T. Bagosora	Director of Cabinet, Ministry of Defence	20 February 1997	I	*Military I* case (joinder) 18 December 2008
	G. Kabiligi	Brigadier-General, Forces armées rwandaises	17 February 1998		
	A. Ntabakuze	Battalion Commander, Forces armées rwandaises	24 October 1997		

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial Chamber*	*Trial judgement*
	A. Nsengiyumva	Lieutenant Colonel, Forces armées rwandaises	19 February 1997		
35	E. Rukundo	Chaplain	26 September 2001	II	27 February 2009
36	C. Kalimanzira	*Directeur de Cabinet*, Ministry of the Interior	14 November 2005	III	22 June 2009
37	L. Nshogoza	Former Defence Investigator	11 February 2008	III	2 July 2009 (contempt of court case)
38	T. Renzaho	*Préfet* of Kigali-*ville*	21 November 2002	I	14 July 2009
39	M. Bagaragaza	Director General of Government Office Controlling the Tea Industry	16 August 2005	III	5 November 2009 (guilty plea)
40	H. Nsengimana	Rector, Christ-Roi College	16 April 2002	I	17 November 2009
41	T. Muvunyi	Interim Commander, École des sous-officiers Camp	8 November 2000	III	11 February 2010 (retrial)
42	E. Setako	Lieutenant Colonel	22 November 2004	I	25 February 2010
43	Y. Munyakazi	*Interahamwe* leader	12 May 2004	I	30 June 2010
44	D. Ntawukulilyayo	*Sous-préfet* of Butare *préfecture*	10 June 2008	III	3 August 2010
45	G. Kanyarukiga	Businessman	22 July 2004	II	1 November 2010
46	I. Hategekimana	Lieutenant, Commander of Ngoma Camp, Butare	28 February 2003	II	1 December 2010
47	J.-B. Gatete	*Bourgmestre* of Murambi	20 September 2002	III	29 March 2011
48	A. Ndindiliyimana	Chief of Staff of Gendarmerie	27 April 2000	II	*Military II* case (joinder) 17 May 2011
	F.-X. Nzuwonemeye	Battalion Commander, Forces armées rwandaises	25 May 2000		
	I. Saguhutu	Second-in-Command, Reconnaissance Battalion	28 November 2000		
	A. Bizimungu	Chief of Staff, Forces armées rwandaises	21 August 2002		
49	P. Nyiramasuhuko	Minister of Family and Women's Affairs	3 September 1997	II	*Butare* case (joinder) 24 June 2011
	A. S. Ntahobali	*Interahamwe* leader	17 October 1997		
	S. Nsabimana	*Préfet* of Butare	24 October 1997		

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial Chamber*	*Trial judgement*
	A. Nteziryayo	*Préfet* of Butare	17 August 1998		
	J. Kanyabashi	*Bourgmestre* of Ngoma	29 November 1996		
	E. Ndayambaje	*Bourgmestre* of Muganza	29 November 1996		
50	C. Bizimungu	Minister of Health	3 September 1999	II	***Bizimungu et al.*** case (joinder) 30 September 2011
	J. Mugenzi	Minister of Commerce	17 August 1999		
	J. Bicamumpaka	Minister of Foreign Affairs	17 August 1999		
	P. Mugiraneza	Minister of Civil Service	17 August 1999		
51	G. Ndahimana	*Bourgmestre* of Kivumu	28 September 2009	III	17 November 2011
52	E. Karemera	Minister of the Interior, Vice-President of Mouvement républican national pour le développement et la démocratie (MRND)	7 April 1999	III	***Karemera et al.*** case (joinder — third accused J. Nzirorera died on 1 July 2010) 21 December 2011
	M. Ngirumpatse	General Director at Ministry of Foreign Affairs, President of MRND	7 April 1999		
53	C. Nzabonimana	Minister of Youth in the Interim Government	20 February 2008	III	31 May 2012
54	I. Nizeyimana	Second-in-Command, École des sous-officiers	14 October 2009; further appearances 5 March 2010 and 7 October 2010	III	19 June 2012

Annex I.B

Case where trial judgement delivery is awaited: 1 case concerning 1 accused

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial Chamber*	*Comments*
55	A. Ngirabatware	Minister in the Interim Government	10 October 2008; further appearance on 9 February 2009	II	Trial started on 31 August 2009. Judgement expected December 2012

Annex II

Referrals pursuant to rule 11 bis for apprehended accused: 4 cases concerning 4 accused — 3 referred, 1 pending appeal

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial Chamber*	*Status*
56	W. Munyeshyaka	Clergy	not applicable (arrested in France)	not applicable	Case transferred to France on 20 November 2007
57	L. Bucyibaruta	*Préfet* of Gikongoro *préfecture*	not applicable (arrested in France)	not applicable	Case transferred to France on 20 November 2007
58	J. Uwinkindi	Pastor, Nyamata	9 July 2010	III	Motion for referral to a national jurisdiction granted, confirmed on appeal on 16 December 2011. Transferred to Rwanda on 19 April 2012
59	B. Munyagishari	Former President of *Interahamwe* for Gisenyi	20 June 2011	III	Motion for referral to a national jurisdiction granted by trial chamber on 6 June 2012; Appeal decision expected by January 2013

Annex III

Fugitives indicted by the Tribunal

Fugitive name	*Status as at 11 May 2012*
Augustin Bizimana	Residual Mechanism will be responsible for trial when arrested
Félicien Kabuga	Residual Mechanism will be responsible for trial when arrested
Protais Mpiranya	Residual Mechanism will be responsible for trial when arrested
Ladislas Ntaganzwa	Fugitive accused case referred to Rwanda
Fulgence Kayishema	Fugitive accused case referred to Rwanda
Charles Sikubwabo	Fugitive accused case referred to Rwanda
Aloys Ndimbati	Fugitive accused case referred to Rwanda
Charles Ryandikayo	Fugitive accused case referred to Rwanda
Phénéas Munyarugarama	Fugitive accused case referred to Rwanda

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Report of the Secretary-General on the implementation of Security Council resolution 1701 (2006)

Reporting period from 29 June to 30 October 2012

I. Introduction

1. The present report provides a comprehensive assessment of the implementation of Security Council resolution 1701 (2006) since my last report of 28 June 2012 (S/2012/502).

2. In a press statement issued on 18 July (SC/10712), the members of the Security Council welcomed the prevailing stability across the Blue Line and in the area of operations of the United Nations Interim Force in Lebanon (UNIFIL); the initiative of President Michel Sleiman in reconvening the National Dialogue and the declarations adopted thus far, in anticipation of the continuation of this process; and the transfer on 11 July by the Government of Lebanon of its annual contribution to the budget of the Special Tribunal for Lebanon. They also expressed grave concern over repeated incidents of cross-border fire, incursions, abductions and arms trafficking across the Lebanese-Syrian border, as well as other border violations, underlining the importance of full respect for Lebanon's sovereignty, unity and territorial integrity and the authority of the Lebanese State in accordance with Security Council resolutions.

3. Despite the ongoing volatility in the region, calm generally continued to hold along the Blue Line and in the UNIFIL area of operations during the reporting period. The few minor incidents that arose were handled effectively through UNIFIL liaison and coordination channels. The parties continued to affirm their commitment to resolution 1701 (2006), but there was no substantive progress in the implementation of their respective obligations outstanding under the resolution. There was a worrying spate of threatening public statements, partly reflecting wider regional tensions.

4. Forces of the Syrian Arab Republic were responsible for frequent incidents of cross-border shelling; incursions across Lebanon's borders; and one air strike during the reporting period. As at 23 October, at least 11 Lebanese citizens had been killed and over 40 injured as a result of cross-border shelling. The Lebanese Armed Forces reported intercepting weapons destined for the Syrian Arab Republic, and at least one confrontation on the Lebanese border with elements of the Syrian opposition. A former Minister of the Government of Lebanon, Michel Samaha, was arrested for

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involvement in smuggling explosives from the Syrian Arab Republic allegedly as part of a plot against targets in Lebanon. Two of the eleven Lebanese pilgrims abducted on 22 May in the Syrian Arab Republic were released. In October, a number of funerals were held in Lebanon for members of Hizbullah who were apparently killed in fighting in Syria in areas near the Lebanese border.

5. Tripoli remained a particular focus for Syria-related violence. Fighting broke out on 28 July and again from 19 to 25 August between residents of the predominantly Sunni neighbourhood of Bab al-Tabbaneh and the predominantly Alawite neighbourhood of Jebel Mohsen. The violence left at least 18 people dead and over 80 injured. The security forces, with political backing, adopted a more robust posture and deployed to contain the violence and restore order in Tripoli. They also successfully mounted operations to release a number of those who had been abducted in a wave of kidnappings committed across the country.

6. The visit by Pope Benedict XVI to Lebanon from 14 to 16 September provided a welcome period of cohesion among Lebanese of different confessions. The Government continued to maintain its policy of "disassociation" designed to contain the impact of the crisis in the Syrian Arab Republic and protect the sovereignty, the stability and the independence of Lebanon, despite increasing pressure on the policy. Lebanese political leaders held two meetings of the National Dialogue following the Baabda Declaration of 11 June.

7. The number of Syrian refugees seeking assistance in Lebanon rose sharply. As at 23 October, UNHCR estimated that more than 100,000 Syrian refugees were receiving assistance in Lebanon, more than double the estimate in my last report.

8. Preparations for parliamentary elections to be held in 2013 continued. A draft law was approved by the Cabinet on 7 August and discussion of the subject moved to Parliament.

9. On 27 September, I met with Prime Minister Najib Mikati in New York in the margins of the General Assembly. We emphasized the need to preserve the security and stability of Lebanon in the light of the regional implications and spill-over effects of the Syrian crisis, and the need for greater international support to help Lebanon provide the necessary humanitarian assistance to the growing numbers of refugees from the Syrian Arab Republic.

10. On 19 October, Lebanon was shaken by a terrorist attack, which killed Brigadier-General Wissam al Hassan, the Head of the Information Branch of the Internal Security Forces, responsible for investigating domestic and external terrorism and espionage and ensuring the security of prominent political figures. The bomb blast in the Ashrafieh neighbourhood of Beirut also killed General Hassan's aide and a passer-by and injured dozens. This political assassination led to outbursts of serious violence and calls for the Government of Prime Minister Mikati to resign. In a statement issued on 19 October (SC/10799), the Security Council strongly condemned the attack and demanded an immediate end to the use of violence against political figures. I strongly condemned the bomb explosion and spoke with President Sleiman and Prime Minister Mikati to emphasize the strong commitment of the international community to Lebanon's security and stability at this critical time.

11. General Hassan's death triggered further fighting in Tripoli, leaving at least 7 dead and over 20 injured. In Beirut, one gunman was killed and several were

injured during operations by the Lebanese Armed Forces, who deployed heavily to ensure calm and remove roadblocks set up by protestors. Following General Hassan's funeral on 21 October, protestors attempted to storm the Grand Serail government building in Beirut. The violence was short-lived after calls by the 14 March leadership for protestors to disperse. The opposition, however, has called for the resignation of the government and announced that it will not engage in dialogue with the government. It has also withdrawn from parliamentary proceedings. President Sleiman has since launched a series of consultations with Lebanese political leaders to find a path forward.

II. Implementation of resolution 1701 (2006)

A. Situation in the United Nations Interim Force in Lebanon area of operations

12. There were no major incidents in the UNIFIL area of operations during the reporting period. Owing to developments elsewhere in Lebanon, the Lebanese Armed Forces had to redeploy additional battalions to areas outside the UNIFIL area of operations. However, the Lebanese Armed Forces maintained its strong cooperation with UNIFIL.

13. The Israel Defense Forces continued to occupy the northern part of the village of Ghajar and adjacent area north of the Blue Line, in violation of resolution 1701 (2006). In addition, Israel has still not responded to the UNIFIL proposal regarding security arrangements aimed to facilitate the withdrawal of the Israel Defense Forces from the area, submitted to both parties on 25 June 2011. The Lebanese Armed Forces consented to the proposal on 19 July 2011.

14. The Israel Defense Forces continued to make almost daily intrusions into Lebanese airspace. During the reporting period, in addition to the significant number of unmanned aerial vehicles overflying Lebanese territory, UNIFIL observed several air exercises, including formations of multiple fighter jets. These overflights are violations of resolution 1701 (2006), as well as of Lebanese sovereignty. UNIFIL has continued to protest all air violations, calling on the Israeli authorities to cease them immediately. The Government of Lebanon also protested the violations, while the Government of Israel continued to maintain that the overflights are a necessary security measure.

15. UNIFIL remained focused on maintaining calm along the Blue Line, including in response to a few incidents that raised tensions. On 16 August, the Israel Defense Forces alleged that a group of civilians, gathered on the road between Kafr Kela and El Adeisse, had thrown stones across the Israeli technical fence, injuring their personnel. The Lebanese Armed Forces later alleged that an Israel Defense Forces patrol had launched tear gas grenades at civilians standing in the same vicinity. UNIFIL did not observe the incidents but did observe the Lebanese Armed Forces dispersing a crowd soon thereafter. UNIFIL conducted an investigation into the incidents, and recommended that the Lebanese Armed Forces ensure its presence whenever there are gatherings along the Blue Line, and that the Israel Defense Forces refrain from sending any projectiles across the Blue Line unless acting in immediate self-defence.

16. There were a number of inadvertent violations in the UNIFIL area of operations during the reporting period, primarily by Lebanese civilians in areas along the Blue Line. Most violations in the Shab'a Farms area were committed by shepherds grazing their animals in the vicinity of the Blue Line. On 29 June, the Israel Defense Forces apprehended a shepherd who allegedly had crossed the Blue Line, and returned him the following day. On 9 September, a Lebanese civilian crossed the technical fence from Lebanon into Israel. He was returned by the Israel Defense Forces through the gate at Ras Naqoura. On 13 September, a Lebanese boy strayed into a minefield close to the Blue Line by Ayta ash-Sha'b. The Israel Defense Forces opened the technical fence, brought the boy into Israeli territory and returned him to Lebanon. Lebanese civilians were observed on several occasions picking wild fruit south of the Blue Line in Meiss al-Jabal and harvesting olives south of the Blue Line near Blida. Violations also occurred when civilians, including children, swam in the Wazzani/Hasbani River close to the east bank, including when civilians climbed onto the bank. UNIFIL observed frequent violations by Lebanese civilians tending a garden next to the main road by El Adeisse. The Israel Defense Forces also violated the Blue Line by digging trenches across a road east of Abasiya. On another occasion, a shepherd from the Israeli-occupied Golan violated the Blue Line and Israel Defense Forces personnel briefly violated the Line in an effort to bring him back across.

17. UNIFIL is working with both parties to prevent violations of the Blue Line, using its liaison and coordination arrangements. UNIFIL called on the Lebanese Armed Forces to increase its presence and monitoring activities and reminded both parties that they have the responsibility for preventing all violations that arise on their side of the Blue Line. Both parties agreed that Blue Line marking in the Meiss al-Jabal area was a priority, and the first agreed markers are now in place. In the Wazzani/Hasbani area UNIFIL and the Lebanese Armed Forces increased their presence, and resort owners were required to inform guests not to swim across the river. After UNIFIL and both parties established that the trenches dug by the Israel Defense Forces near Abasiya were north of the Blue Line, both sides cooperated with UNIFIL to fill in the trenches and restore the status quo ante.

18. UNIFIL conducted an investigation into construction works along the riverbed of the Wazzani/Hasbani River south of Ghajar, which had been protested by the Israel Defense Forces. UNIFIL found that violations of the Blue Line were committed in the construction of dams to create swimming pools in the river alongside resorts that are being developed on the Lebanese side. This issue was discussed in tripartite meetings, and the Lebanese Armed Forces stated that they had ordered all works to be stopped, and that none would be permitted on the riverbed without first making a request to senior Lebanese Armed Forces officials and carrying out due coordination with UNIFIL.

19. During the reporting period, the Israel Defense Forces shared information with UNIFIL detailing the arrest of 12 Israeli civilians, including residents of Ghajar, accused of smuggling explosives, improvised explosive device detonation systems and weapons into Israel from Lebanon in early June. The Israel Defense Forces later informed UNIFIL that another incident occurred on 31 August, when an individual was arrested on the Israeli side while trying to smuggle drugs and other items into Israel. According to the Israel Defense Forces, his Lebanese accomplice escaped back into Lebanon. The Israel Defense Forces alleged that both smuggling incidents occurred on the outskirts of the southern part of Ghajar. UNIFIL has no record of

any smuggling activity during this period. UNIFIL has requested both parties to ensure timely exchange of information through the established liaison and coordination arrangements.

20. Further to my last report, the Lebanese Armed Forces redeployed an additional three battalions to areas of Lebanon outside the UNIFIL area of operations to meet other security challenges, and returned the three companies that had been redeployed earlier. Lebanese Armed Forces Commander General Kahwaji maintained close contact with the UNIFIL Force Commander to explain and coordinate the redeployments in advance. In the light of the reduced presence of Lebanese Armed Forces soldiers, UNIFIL maintains full security control of its area of operations by increasing its operational activities, including its patrols, independent of the Lebanese Armed Forces. The current strength of the Lebanese Armed Forces in the area of operations is approximately two brigades and one battalion.

21. UNIFIL and the Lebanese Armed Forces continued their daily operations, including, on average, some 34 coordinated activities per day, in addition to operating seven co-located checkpoints along the Litani River. UNIFIL and the Lebanese Armed Forces also continued to carry out joint counter-rocket-launching operations in areas near the Blue Line. Joint activities also continued, including capability exercises and training activities on land and at sea, as described in my last report (S/2012/502). UNIFIL will remain engaged with the Lebanese Armed Forces in order to build sustainable operational arrangements in its area of operations under the present circumstances. For its part, UNIFIL conducted an average of 300 vehicle and foot patrols daily, in addition to regular helicopter patrols and other operational activities.

22. UNIFIL generally enjoyed full freedom of movement throughout its area of operations during the reporting period. Nevertheless, there were a limited number of restrictions on the freedom of movement of UNIFIL. Three incidents in the general area of Ayta ash-Sha'b were particularly noteworthy. On 10 August, a UNIFIL patrol was blocked by two vehicles and a crowd of civilians. Individuals from the crowd subsequently snatched a rucksack from the UNIFIL vehicle. On 11 October, a UNIFIL convoy was blocked by two vehicles and a group of civilians and a number of items were taken. Again on 13 October, two vehicles of a five-vehicle UNIFIL convoy were blocked by a car and a group of civilians took UNIFIL equipment. While many items were later recovered by the Lebanese Armed Forces and returned to UNIFIL, some are still missing. The Force Commander and the Lebanese Armed Forces visited the municipal authorities of Ayta ash-Sha'b to impress on them the importance of the full freedom of movement of UNIFIL.

23. On three other occasions, cameras were taken from UNIFIL patrols. Additionally, there were a few incidents where individuals, often riding motorcycles, followed UNIFIL patrols, made unfriendly gestures or threw stones, and temporarily halted the patrols. On one occasion, a tractor briefly blocked the road in front of a patrol. Following the assassination of General Hassan on 19 October, roads were temporarily blocked by protesters in the areas of Shab'a, Kafr Shouba and Suq al-Khan. There were several isolated incidents of stone throwing, often by children. Where required, the Lebanese Armed Forces intervened to bring a quick end to incidents. In all cases, UNIFIL was able to continue its patrolling activities.

24. These incidents notwithstanding, UNIFIL relations with the local population remained generally positive. Regular liaison and outreach activities focused on conflict management and confidence-building measures and on providing community services. UNIFIL also organized social and cultural events involving local communities. Quick-impact projects continued to be implemented by troop-contributing countries and through the UNIFIL budget. Following recommendations made in the strategic review, UNIFIL is enhancing cultural awareness and conflict sensitivity through programmes organized internally for peacekeepers.

25. UNIFIL continued to provide assistance to the Lebanese Armed Forces in taking steps to establish an area free of armed personnel, assets and weapons between the Blue Line and the Litani River, other than those of the Government of Lebanon and UNIFIL. This continues to be a long-term objective, given that there have been a number of incidents since the adoption of resolution 1701 (2006), such as rocket attacks, that demonstrated that weapons and hostile armed elements ready to use them were still present within the area of operations.

26. The Government of Israel continued to allege that Hizbullah had been building up its military positions and units inside populated areas in southern Lebanon and that unauthorized weapons were being transferred into Lebanon, including into the UNIFIL area of operations. In cases in which specific information is received regarding the illegal presence of armed personnel or weapons in its area of operations, UNIFIL, in cooperation with the Lebanese Armed Forces, remains determined to act with all means available within its mandate and to the full extent provided for in its rules of engagement. UNIFIL, however, does not proactively search for weapons in the south. It visits locations after receiving an alert and in coordination with the Lebanese Armed Forces. Under its mandate, UNIFIL cannot enter private property unless there is credible evidence of a violation of resolution 1701 (2006), including an imminent threat of hostile activity from that location. To date, UNIFIL has neither been provided with nor found evidence of the unauthorized transfer of arms into its area of operations. The Lebanese Armed Forces continued to state that it would act immediately to put a stop to any illegal activity in contravention of resolution 1701 (2006) and relevant Government decisions.

27. During the reporting period, UNIFIL observed unauthorized armed personnel and weapons in its area of operations in violation of resolution 1701 (2006) on several occasions. On 7 August, the Lebanese Armed Forces discovered three boxes of dynamite/industrial explosives and detonators inside a car belonging to a local civilian in the vicinity of Naffakhiyeh. The Lebanese Armed Forces informed UNIFIL that they had arrested the man and that, although the investigation revealed that the dynamite was for commercial purposes only, he would be prosecuted. On 16 August, UNIFIL deminers discovered an anti-tank mine with a detonation cord on an access lane leading to a point along the Blue Line in the area of Rumaysh. The Lebanese Armed Forces swiftly removed the device, which was linked to an additional seven anti-tank mines and four improvised explosive devices. On 18 August, a group of individuals were observed firing what appeared to be a rifle near Bint Jbeil. UNIFIL also observed civilians carrying hunting weapons south of the Litani River in violation of resolution 1701 (2006). In each case, UNIFIL patrols moved to halt the hunting activity. The Lebanese Armed Forces detained hunters and confiscated their weapons on several occasions. Armed persons and weapons remained inside Palestinian refugee camps within the UNIFIL area of operations.

28. The UNIFIL Maritime Task Force continued to carry out its dual mandate of conducting maritime interdiction operations and training the Lebanese naval forces. Since my last report, the Lebanese navy and customs officials inspected 501 vessels in order to verify that there were no unauthorized arms or related materiel on board.

29. UNIFIL and Lebanese naval forces conducted one workshop and 11 cadet training session, as well as 31 at-sea training activities on-board the Maritime Task Force vessels, for Lebanese junior officers. In addition, on three occasions during the reporting period, maritime interdiction operation exercises, each lasting over two days, were conducted with the Lebanese Armed Forces Navy.

30. The Israel Defense Forces dropped depth charges, and fired warning shots along the line of buoys on a few occasions to ward off Lebanese fishing boats in the vicinity of the line. UNIFIL has no mandate to monitor the line of buoys, which the Government of Israel installed unilaterally and which the Government of Lebanon does not recognize.

B. Security and liaison arrangements

31. UNIFIL liaison and coordination arrangements with the parties continued to function well. UNIFIL and the Lebanese Armed Forces maintained effective daily interaction and liaison activities at all levels. UNIFIL also maintained effective liaison and coordination with the Israel Defense Forces. There was no progress in establishing a UNIFIL office in Tel Aviv.

32. The parties continued to demonstrate their readiness to engage constructively in UNIFIL efforts to decrease tensions. UNIFIL continued these efforts in the monthly tripartite meetings, chaired by the UNIFIL Force Commander, and at the bilateral level. The tripartite forum remained the key mechanism for addressing security and military operational issues related to the implementation of resolution 1701 (2006).

33. At the tripartite meeting held on 4 July, the Lebanese Armed Forces reiterated its request to assume security control of the SD1 road, which lies outside the Ghajar area occupied by the Israel Defense Forces. UNIFIL will continue its bilateral discussions and is following up with a detailed proposal, which will aim to transfer security control of the road to the Lebanese Armed Forces, allowing for its use by Lebanese civilians while ensuring adequate security measures. The overall objective remains the complete withdrawal of the Israel Defense Forces from northern Ghajar and adjacent area north of the Blue Line.

34. At the same tripartite meeting, the Lebanese Armed Forces and the Israel Defense Forces reiterated their readiness to take forward initial discussions on the issue of maritime security. Following an initial round of bilateral discussions, UNIFIL has identified some common points, which it hopes to further develop in future rounds.

35. The Israel Defense Forces reported that a standoff occurred on 20 June between the Lebanese Armed Forces and the Israel Defense Forces in the area of the Wazzani/Hasbani River. The incident was not observed by UNIFIL. UNIFIL is consulting both parties, with a view to developing specific measures to prevent such incidents in the future.

36. Steady progress was made in the process of visibly marking the Blue Line. As at 25 October, the total number of points for marking stood at 257. UNIFIL deminers have cleared access to 228 points, 193 of which have been measured. Some 150 Blue Line markers have been constructed and 138 verified by both parties. In line with the recommendations of the strategic review, UNIFIL started to address with the parties the marking of those points that thus far had been deemed contentious. Both parties displayed readiness to discuss such points and reconfirmed their commitment to the Blue Line marking process, which they perceive as a valuable confidence-building tool, and a way to provide clarity to troops on the ground and the local population about the precise location of the Line.

37. In line with the strategic priorities identified by the strategic review, UNIFIL continued to work closely with the Lebanese Armed Forces through the strategic dialogue, with a view to increasing the capacity of the Lebanese Armed Forces, not only as a prerequisite for the gradual assumption of security control of the area of operations and Lebanese territorial waters, but also to support movement towards a permanent ceasefire.

C. Disarming armed groups

38. Resolution 1701 (2006) calls for the full implementation of the relevant provisions of the Taif Agreement, and of resolutions 1559 (2004) and 1680 (2006), that require the disarmament of all armed groups in Lebanon, so that there will be no weapons without the consent of the Government of Lebanon and no authority other than that of the Government of Lebanon.

39. The maintenance of arms by Hizbullah and other groups outside the control of the Lebanese State, in violation of resolutions 1559 (2004), 1680 (2006) and 1701 (2006), continues to restrict the State's ability to exercise full sovereignty and authority over its territory. Hizbullah has continued to acknowledge openly that it maintains a substantial military capacity separate from that of the Lebanese State. On 3 October, three Hizbullah militants were killed and several other people were wounded as a result of explosions at a depot for ammunition in the Bekaa town of Nabi Sheet. Hizbullah representatives have repeatedly asserted that the arms of the movement continue to serve as a deterrent and will not be used in a first strike against Israel, but they have threatened to launch rocket attacks on multiple targets across Israel in the event of an Israeli attack on Lebanon. Hizbullah has acknowledged that they launched the unmanned aerial vehicle shot down by the Israeli Air Force over Israel on 6 October. During the reporting period, the Lebanese authorities sought clarifications from representatives of the Islamic Republic of Iran on a statement by the head of the Iranian Revolutionary Guards suggesting the presence of members of their Quds Forces in Lebanon.

40. The proliferation of arms outside the control of the State remains a threat to domestic stability and public safety, as highlighted by the fighting in Tripoli in July and August. Other incidents included, on 5 July, a foiled assassination attempt against Boutros Harb, a prominent member of Parliament. On 9 August, former Information Minister Michel Samaha was arrested for involvement in smuggling explosives from the Syrian Arab Republic allegedly as part of a plot against targets in Lebanon with the aim of provoking confessional strife. Two Syrian senior military officers and a Syrian presidential adviser have also been named in the

investigation. On 15 August, dozens of Syrian nationals and one Turkish businessman were abducted by armed members of a prominent clan purportedly in retaliation for the abduction of one of their relatives in the Syrian Arab Republic.

41. Following the assassination of General Hassan on 19 October, Future Movement leader Fouad Siniora stated that his party will not participate in future sessions of the National Dialogue, which had met twice up until that time during the reporting period. At the first meeting, on 16 August, participants from across the political spectrum worked together under the chairmanship of President Sleiman to address the security situation in the country, including the recent spate of kidnappings. At the meeting on 20 September, President Sleiman presented a paper setting out an initial vision for a comprehensive national defence strategy, including in respect of the arms held by Hizbullah. The paper places the strategy within the framework of national and international legal instruments, including resolution 1701 (2006). It highlights the need to strengthen the Lebanese Armed Forces and looks for agreement around the principle of the exclusive right of the Lebanese Armed Forces to the use of force and frameworks and mechanisms for control and use of Hizbullah's arms until such time as the Lebanese Armed Forces are so strengthened. Participants agreed to consider the President's paper as a starting-point for discussion.

42. There has been no progress on the dismantling of military bases maintained by the Popular Front for the Liberation of Palestine-General Command (PFLP-GC) and Fatah al-Intifada outside the control of the Lebanese State, as decided in the National Dialogue in 2006 and called for repeatedly by the United Nations. All but one of these bases are located along the eastern Lebanese-Syrian border, compromising Lebanese sovereignty and impeding the ability of the State to effectively monitor and control part of that border.

43. There have been no major security incidents in the Palestinian refugee camps in the reporting period. Access issues to the Nahr al-Bared camp, which sparked violence in June, were largely resolved. On 2 July, a new head of the Lebanese-Palestinian Dialogue Committee was appointed by the Government to work with all stakeholders dealing with the Palestinian file in Lebanon.

D. Arms embargo and border control

44. In resolution 1701 (2006), the Security Council decided that all States were to prevent the sale or the supply of arms and related materiel to entities or individuals in Lebanon by their nationals, or from their territories or using their flag vessels or aircraft, in the same resolution, the Council also called upon the Government of Lebanon to secure its borders and other entry points so as to prevent the entry into Lebanon without its consent of arms and related materiel.

45. Israeli Government representatives have consistently alleged that there are significant, ongoing arms transfers to Hizbullah across the Lebanese-Syrian border. The United Nations takes these allegations seriously but is not in a position to independently verify them. The Israeli authorities have also, in the context of the crisis in Syria, expressed concern at the possibility of any future movement of chemical weapons from the Syrian Arab Republic into Lebanon. Senior representatives of Hizbullah have insisted that they have no intention of acquiring such weapons.

46. In letters dated 9 July (S/2012/525), 17 July and 26 July (S/2012/586), the Government of the Syrian Arab Republic made further assertions of cross-border incidents and arms transfers affecting Syrian sovereignty from Lebanese territory. The Lebanese Armed Forces have arrested alleged smugglers and seized weapons on a number of occasions.

47. There was regular cross-border shelling from the Syrian Arab Republic into Lebanon during the reporting period, as well as incursions into Lebanese territory by elements of the Syrian armed forces. Syrian shells landing in or close to Lebanese villages in the northern region of Akkar, some of them several kilometres from the border, caused the temporary displacement of local citizens and refugees, material damage, injury and loss of life. Cross-border attacks also occurred in the eastern Bekaa region. On 17 September, a Syrian aircraft dropped bombs in the Khirbet Daoud area near the Bekaa town of Arsal. On 21 September, the Lebanese Armed Forces reported incidents in the eastern Bekaa involving the Lebanese Armed Forces and armed elements of the Syrian opposition; no casualties were reported. On 9 July, the Lebanese Government decided to deploy additional units of the Lebanese Armed Forces to affected areas. The Lebanese Armed Forces continue to seek to tighten control along the border to the best of its abilities, notwithstanding the difficulties, including of terrain, involved. At the political level, President Sleiman and Prime Minister Mikati protested border violations on 23 July and 4 September, respectively, through diplomatic channels in Beirut and Damascus.

48. The continued reports of arms trafficking across the Lebanese-Syrian border and the recurrence of cross-border incidents and attacks from the Syrian Arab Republic underline the need for the Lebanese security authorities to have more effective capabilities at their disposal to manage and control the border. Donors, with the support of the United Nations, have sought to assist the Government in this regard, with a particular focus on the need for a comprehensive border management strategy involving all the Lebanese Government agencies concerned. Partly in response to these new challenges, domestically and on the borders with the Syrian Arab Republic, on 20 September, the Cabinet approved a new medium-term plan budgeted at $1.6 billion to increase the capacity and capability of the Lebanese Armed Forces. The Lebanese authorities have indicated that they will be looking for United Nations assistance and donor support for this plan as part of the implementation of resolution 1701 (2006).

49. The Syrian crisis has caused a significant increase in refugee flows into Lebanon during the reporting period. As at 23 October, the Office of the United Nations High Commissioner for Refugees (UNHCR) estimated that 100,000 refugees were receiving assistance in Lebanon from UNHCR, its partners and the Government of Lebanon. UNHCR now estimates that up to 120,000 Syrians will require assistance in Lebanon by the end of 2012, roughly three times the number anticipated earlier this year. Assistance is also needed for Lebanese communities hosting Syrian refugees and for Lebanese citizens displaced from the Syrian Arab Republic. With winter approaching, UNHCR is seeking additional international support in the context of its regional response plan of 27 September, which included an appeal for $106 million for Syrian refugees in Lebanon, of which only 39 per cent is now funded.

50. In addition, Palestinians refugees from the Syrian Arab Republic have sought refuge in Palestinian refugee camps in Lebanon after their camps in Syria came

under attack. As at 23 October, approximately 1,930 Palestinian families from Syria had made themselves known in Lebanon to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which is seeking to provide them with assistance in cooperation with NGOs.

E. Landmines and cluster bombs

51. The Lebanese Mine Action Centre, a unit of the Lebanese Armed Forces, is the national authority for mine action in Lebanon with responsibility for the management of all humanitarian clearance and mine action data. The United Nations Mine Action Support Team continued to support UNIFIL demining activities along the Blue Line by providing training to contingents, as well as conducting validation and quality assurance monitoring. Eight military manual clearance teams, three military explosives ordnance disposal teams and one military mechanical team from troop-contributing countries are currently deployed in the UNIFIL area of operations.

52. On 4 September, a woman was killed when an old anti-tank mine in her possession exploded. A soldier of the Lebanese Armed Forces was also injured in that incident.

F. Delineation of borders

53. During the reporting period there was again no progress towards delineating and demarcating the Syrian-Lebanese border, including in areas where it is uncertain or disputed, as called for in Security Council resolutions 1680 (2006) and 1701 (2006). The impact of the ongoing crisis in the Syrian Arab Republic on the border continues to highlight the importance of establishing clarity in this regard.

54. Equally there has been no progress on the issue of the Shab'a Farms area. Neither the Syrian Arab Republic nor Israel has reacted to the provisional definition of that area contained in my report of 30 October 2007 on the implementation of resolution 1701 (2006) (S/2007/641).

III. Security and safety of the United Nations Interim Force in Lebanon

55. As a matter of high priority, UNIFIL continuously reviewed its security plans and risk mitigation measures, ensured personnel safety awareness and conducted evacuation exercises, shelter and fire drills and other security training. UNIFIL continued to enhance physical security measures regarding force protection works for installations and assets. UNIFIL and the Lebanese authorities continued to cooperate to ensure that security threats are addressed appropriately. Complementing the measures taken by the Government of Lebanon, UNIFIL continued to apply its own risk mitigation measures. In an effort to reduce UNIFIL traffic on the main supply route from southern Lebanon to Beirut, UNIFIL is using a United Nations-contracted coastal vessel to transport military personnel and equipment between Beirut and Naqoura ports. UNIFIL has not been able thus far to acquire suitable land for an assembly area in Tyre, Lebanon, for United Nations staff and their dependants

in the event of an emergency. The current designated location does not meet the required security standards.

56. There were few developments in the status of cases in Lebanese courts related to past serious attacks against UNIFIL, the latest of which took place in 2011. There were no further developments regarding investigations into forceful obstruction of UNIFIL activities. It is the responsibility of the Lebanese authorities to ensure the safety and security of UNIFIL personnel, equipment and premises, and to bring the perpetrators of unlawful acts to justice.

IV. Deployment of the United Nations Interim Force in Lebanon

57. As at 30 September 2012, the total military strength of UNIFIL was 11,528, including 437 women. The civilian component consisted of 337 international and 657 national civilian staff members, including 100 and 166 women, respectively. Observer Group Lebanon, whose members are assigned to assist UNIFIL in the fulfilment of its mandated tasks, was composed of 53 United Nations Truce Supervision Organization military observers.

58. Portugal and Timor-Leste personnel, the latter embedded within the Portuguese contingent, finalized their withdrawal from UNIFIL by the end of June. Spain withdrew its mine-clearance team capabilities and intends to reduce progressively its contribution to UNIFIL to approximately 558 personnel, beginning with the next rotation of its troops in November 2012. Following the withdrawal of a German supply ship in July, the total strength of the Maritime Task Force, currently operating with a Brazilian flagship, is eight vessels and two helicopters.

V. Observations

59. I welcome the general calm that continues to prevail in the UNIFIL area of operations. I commend both parties for their continued commitment to the cessation of hostilities and to the implementation of resolution 1701 (2006), in cooperation with UNIFIL. The strategic partnership between UNIFIL and the Lebanese Armed Forces and strong liaison and coordination arrangements with both parties have contributed to the current security environment. I urge both parties to continue to protect their achievements along the Blue Line and to prevent regional tensions from putting them in jeopardy.

60. This is all the more important in the light of deliberate attempts to destabilize Lebanon, most notably in the terrorist bombing in Beirut that killed General Hassan and others on 19 October, which I strongly condemned. I underline the call of the Security Council for the perpetrators, organizers, financiers and sponsors of this crime to be brought to justice and for an end to the use of intimidation and violence against political figures and to impunity in Lebanon. I also underline the appeal of the Council members to the Lebanese people to preserve national unity in the face of this murderous attempt to undermine the country's stability and their call upon all Lebanese parties to continue engaging in dialogue. I look to the strong leadership of President Sleiman and responsible political leadership from all parties to guide the country through the present period of uncertainty and to address the very serious issues raised by the assassination. This is a Lebanese process, but in the meantime,

the United Nations and the international community have a strong interest in supporting the Lebanese State and in the continuity of the institutions of the country. I stress that it is in the interest of Lebanon's continued stability that all Lebanese parties work cooperatively, particularly given the need to ensure that free, fair and credible parliamentary elections are duly organized and held on schedule in 2013.

61. With regard to the Blue Line, I am concerned that threatening statements elsewhere have the potential to affect the calm prevailing across it. I have already made clear my serious concern at the acknowledgement by Hizbullah that they had launched an unarmed unmanned aerial vehicle into Israeli airspace. For the parties to sustain the present calm, it is essential to avoid provocative actions and inflammatory rhetoric, to exercise utmost restraint and to prevent hostile activity from being initiated from their respective territory. The parties should use the liaison and coordination arrangements with UNIFIL to the maximum extent, and should allow UNIFIL in the first instance to deal with the situation.

62. As noted in previous reports, there has been a lack of progress towards achieving a permanent ceasefire and long-term solution to the conflict, as envisaged in resolution 1701 (2006). I hope, however, that, after six years of unprecedented stability and calm along the Blue Line, both parties realize that it is in their mutual interest to focus anew on that goal in full implementation of resolution 1701 (2006). The parties have yet to take full advantage of the security environment established through the work of UNIFIL and the Lebanese Armed Forces. It is necessary to remind the parties that the deployment of UNIFIL in southern Lebanon cannot substitute for a permanent ceasefire and a long-term solution.

63. I strongly welcome the parties' receptiveness to working with UNIFIL to address points of contention and decrease tensions on the ground along the Blue Line. The parties must maintain their commitment to the cessation of hostilities; fully respect the Blue Line in its entirety; continue working with UNIFIL on pragmatic and constructive confidence-building measures along the Blue Line, including visibly marking the Blue Line; and work to strengthen the liaison and coordination arrangements.

64. Major obligations under the resolution are still outstanding and require action by each party. Israel must withdraw its forces from the northern part of Ghajar and adjacent area north of the Blue Line and cease all violations of Lebanese airspace, which exacerbate tensions in the UNIFIL area of operations and have the potential to trigger a serious incident. Lebanon must make further progress towards exercising effective authority over all Lebanese territory, preventing the use of that territory for hostile activities, and ensuring the implementation of Government decisions and of resolution 1701 (2006) with respect to an area free of armed personnel, assets and weapons other than those of the Government and of UNIFIL.

65. The Lebanese Armed Forces carry a heavy burden with multiple security responsibilities across Lebanon, including along the Syrian border, which have required redeployments of Lebanese Armed Forces troops from the UNIFIL area of operations. Despite this, the Lebanese Armed Forces maintained strong cooperation with UNIFIL and strived to continue the same level of coordinated activities with UNIFIL. The Lebanese Armed Forces also continued to take action to quell incidents along the Blue Line. This is commendable. Yet, continued and increased coordination by the two Forces is essential. I urge the Lebanese Armed Forces to continue to maintain a significant presence in southern Lebanon commensurate with

the important tasks it must perform in line with Lebanon's obligations under resolution 1701 (2006).

66. There have been a few incidents that have impeded the freedom of movement of UNIFIL and endangered the safety and security of peacekeepers during the reporting period. The freedom of movement, safety and security of UNIFIL personnel are integral to the effective execution of their tasks. The primary responsibility for ensuring UNIFIL freedom of movement in its area of operations lies with the Lebanese authorities. I call on the Lebanese authorities to take firm, resolute action against the perpetrators, and to work with UNIFIL to strengthen the response and the investigations into these incidents. Effective measures must be taken to curb and prevent all incidents that impede the freedom of movement of UNIFIL and endanger the safety and security of peacekeepers.

67. For much of the reporting period, attention in Lebanon was focused on challenges deriving from the ongoing crisis in the Syrian Arab Republic. These challenges are of grave concern to the United Nations since they have the potential to seriously impact the security and stability of Lebanon, which is a central concern of resolution 1701 (2006) and other resolutions of the Security Council. The most acute impact has been along the Lebanese-Syrian borders, where serious violations have repeatedly occurred. I condemn all such incidents and deplore the resulting loss of life, injury, displacement and destruction of property. I call upon the Government of the Syrian Arab Republic to cease all violations of the border and to respect the sovereignty and territorial integrity of Lebanon in accordance with Security Council resolutions 1559 (2004), 1680 (2006) and 1701 (2006). I note the clear stance taken by President Sleiman and Prime Minister Mikati on this issue, and the steps taken by the Government to strengthen the presence of the Lebanese Armed Forces on the border with the Syrian Arab Republic.

68. Reports suggesting support by Lebanese political forces to the parties to the conflict in the Syrian Arab Republic are of grave concern and contradict their stated commitments not to let Lebanon be drawn into the Syrian crisis. I note in this context the reports of the deaths of members of Hizbullah fighting inside the Syrian Arab Republic. It is imperative for all Lebanese forces to refrain from any involvement. In this and other contexts I note the continuing importance of the Baabda Declaration, including the commitment therein to the neutrality of Lebanon in respect of external conflicts, and call upon all parties in Lebanon to act in accordance with it.

69. The violence that occurred in Tripoli and the spate of kidnappings elsewhere in the country are of deep concern. Deliberate attempts at destabilizing Lebanon by provoking sectarian conflict underscore the importance of continued international support for the Lebanese State and Armed Forces to prevent the country from being drawn into regional events. I welcome the robust steps taken by the security forces, with broad political support, to address threats to stability. It is significant that arrests have been made in several cases, given the need to embed accountability and to extend the authority of the State. The recurrence of violent incidents underlines the extent to which Lebanon needs to take further concrete steps to counter the prevalence of weapons outside the authority of the State, and to ensure the effective implementation of resolution 1701 (2006).

70. The maintenance of arms by Hizbullah and other groups outside the control of the State continues to pose a threat to Lebanese sovereignty and stability, and stands

in contradiction to the country's obligations under resolutions 1559 (2004) and 1701 (2006). It has long been my view that achieving the objective of the resolutions in this regard can only be accomplished through a Lebanese-led political process with the ultimate aim of ensuring that there are no weapons outside the authority of the Government in Lebanon. I continue to believe that national dialogue constitutes the best way forward. I commend President Sleiman's initiative in tabling his vision for a national defence strategy, including with regard to use and control of arms held by Hizbullah, which is an important starting point for discussion. I call on all Lebanese political leaders to seize this opportunity and to participate actively in this process to realize the formation of such a strategy in furtherance of resolutions 1559 (2004) and 1701 (2006).

71. I reiterate in this context the need to implement earlier decisions of the National Dialogue, and specifically those related to the disarmament of non-Lebanese groups and the dismantling of the PFLP-GC and Fatah al-Intifada military bases. I welcome the steps taken to revitalize the Lebanese-Palestinian Dialogue Committee, and encourage the Government and all concerned to support its new head. The need to improve the living conditions of Palestinian refugees in Lebanon, without prejudice to the resolution of the refugee question and the context of a comprehensive peace settlement, remains pressing, as does the need for the strongest possible support from Member States for the work of UNRWA. Failure to urgently translate crucial support for UNRWA into funding for reconstruction and relief efforts for the Nahr al-Bared camp has the potential to be destabilizing in the current context.

72. The sharp increase in the number of Syrian refugees seeking assistance in Lebanon represents a growing challenge for the country and a heavy burden on resources. I commend the Government of Lebanon for meeting its humanitarian obligations in this regard, and the people of Lebanon who have opened their homes to their Syrian neighbours. It is important that the Government continue to plan for further possible influxes, given the continuation of the conflict in the Syrian Arab Republic, and prepare effectively with partners for more acute needs for assistance in the coming winter season. I pay tribute to UNHCR and other agencies and partner organizations for their strong support given to date, and note the limited international response so far to the UNHCR appeal to donors. I stress that the need now appears much greater than anticipated and encourage Member States urgently to look again at support for Lebanon.

73. As noted in my last report, the lack of full delineation and demarcation of the Lebanese-Syrian border provides no explanation or justification for most of the violations reported. Nonetheless, I am concerned that such delineation and demarcation remain elusive. Similarly, I remain concerned that no progress has been made with regard to the Shab'a Farms area, in accordance with paragraph 10 of resolution 1701 (2006). I call, once again, on the Syrian Arab Republic and Israel to submit their responses to the provisional definition of the Shab'a Farms area that I provided in October 2007 (see S/2007/641). I hope that circumstances will make it possible to refocus on both these issues as soon as possible.

74. I commend the robust role played by the Lebanese Armed Forces in ensuring domestic stability during the reporting period, and the strong political support they have received which must be sustained. It would be difficult to overestimate the importance of the Lebanese Armed Forces in bringing calm and underpinning unity in Lebanon; in working alongside UNIFIL in the south and at sea; in seeking to

control the country's eastern and northern borders; and in maintaining security internally. I have long advocated the strengthening of the Lebanese Armed Forces, and urged the international community to provide equipment and training. This is important as a prerequisite for the gradual assumption of effective and sustainable security control of the UNIFIL area of operations and Lebanese territorial waters, and as a key element to support moves towards a permanent ceasefire. I am grateful to those countries that are already helping to equip and train the Lebanese Armed Forces, including the Navy. I warmly welcome the decision of the Government to further enhance the capacity and capability of the Lebanese Armed Forces over the next five years. I stand ready to help the Lebanese Armed Forces and Government of Lebanon, as appropriate, as they seek to carry the new plan forward, while also sustaining and building upon work already in hand in the Strategic Dialogue, and with regard to border management.

75. During the reporting period there was increased focus in Lebanon, as in other eastern Mediterranean States, on the opportunities to be derived from the exploration and exploitation of offshore resources. It is positive that Lebanon and Israel are preparing to exploit resources in their respective economic zones. I continue to stress that it is in the interest of both to do this in a way that will not give rise to tension. In that context, I hope that, building on efforts so far, more substantive progress can be achieved on the delimitation of maritime economic zones. The United Nations stands ready to assist should both parties request such assistance.

76. The interest of the international community in the territorial integrity, national sovereignty and political independence of Lebanon, enshrined in resolution 1701 (2006), is deep and long-standing. In earlier reports I have noted that the security and stability of Lebanon are closely linked to the achievement of a just, lasting and comprehensive peace in the Middle East. They are also heavily dependent on other regional developments, including those relating to the crisis in the Syrian Arab Republic. Recently, against the backdrop of the Syrian crisis, the people of Lebanon and their leaders have demonstrated resilience and determination in seeking to protect that stability in particularly difficult circumstances. The period since the adoption of resolution 1701 (2006) has also seen unprecedented calm across the Blue Line between Lebanon and Israel. For the peoples involved, and for regional peace and security as a whole, it is essential that the Governments of Lebanon and Israel and all other stakeholders remain committed to the full implementation of resolution 1701 (2006) in the uncertain period ahead.

77. I wish to express my appreciation to all countries contributing troops and equipment to UNIFIL. I also commend the military and the civilian personnel of UNIFIL, as well as the staff of the Office of the United Nations Special Coordinator for Lebanon, all of whom continue to play a critical role in helping to promote stability along the Blue Line and in Lebanon.

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Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2053 (2012). In paragraph 28 of that resolution, the Council requested that I should report, by 14 November 2012, on the progress on the ground in the Democratic Republic of the Congo, including towards the objectives outlined in paragraph 4 of the resolution, and on recommended benchmarks for measuring the progress and the impact of the disarmament, demobilization, repatriation, resettlement and reintegration process on the strength of foreign armed groups. The Council also requested that I should include herein two thematic annexes, one assessing the electoral process, as mentioned in paragraph 16 of the resolution, and the other on possible new approaches in security sector reform, as mentioned in paragraph 9 of the resolution. The present report covers developments that occurred between the issuance of my report of 23 May (S/2012/355) and 31 October 2012.

II. Major developments

2. The outcome of the presidential and legislative elections of 28 November 2011 continued to affect confidence in national institutions and hamper constructive dialogue among political parties. Divisions over how to take forward the electoral process, which includes the conduct of provincial and local elections, persisted between the political majority and the opposition. There were also divisions among national stakeholders concerning the situation in the eastern Democratic Republic of the Congo. The mutiny of former Congrès national pour la défense du peuple (CNDP) elements from the armed forces of the Democratic Republic of the Congo, known as the Mouvement du 23 mars (M23), led to violence and the de facto consolidation of control by M23 in parts of North Kivu. Congolese and foreign armed groups took advantage of the security voids caused by the mutiny to reinforce and broaden their control elsewhere in the Kivus. In this context, attacks against civilians intensified and the humanitarian situation deteriorated significantly. Tensions in both Kivus were fuelled by continuing reports that neighbouring countries were providing external support to M23. The crisis significantly reduced military pressure targeting the Forces démocratiques de libération du Rwanda (FDLR) and, therefore, progress in the disarmament and repatriation of that foreign

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armed group. Initiatives by the International Conference on the Great Lakes Region and other international and regional partners helped to sustain a continuing regional political dialogue, but confidence between the Democratic Republic of the Congo and Rwanda deteriorated.

National political developments

3. The first ordinary session of the newly elected National Assembly ended on 15 June with the establishment of its internal structures, including seven standing committees. The 35 members of the executive offices of the standing committees include 10 members from the opposition and 1 independent member.

4. On 16 and 18 June, respectively, the Senate and the National Assembly opened a 30-day extraordinary parliamentary session. The 2012 Finance Act was adopted by the parliament within two weeks of the opening of the extraordinary session and was promulgated by the President of the Democratic Republic of the Congo, Joseph Kabila, on 20 July.

5. Several parliamentary initiatives were launched in relation to the deterioration of the security situation in the eastern Democratic Republic of the Congo, including a request by the National Assembly on 30 May to the Vice-Prime Minister/Minister of Defence and the Minister of the Interior to respond to oral questions in relation to developments there.

6. On 21 May, the President chaired the first extraordinary meeting of the Council of Ministers to discuss the security situation in the eastern Democratic Republic of the Congo. The Government called for national unity and for any provision of support to armed groups to cease. On 6 July, the President called a meeting of the High Council of Defence to discuss the alleged provision of external support to M23, at which it was decided to remove 14 officers from the Congolese armed forces who had defected to join M23, including former General Bosco Ntaganda and former Colonel Ruzandiza, alias "Makenga Sultani". General Ntaganda is subject to an arrest warrant by the International Criminal Court for, among others, alleged crimes committed in 2002 and 2003 in Ituri.

7. On 1 September, the Rwandan Defence Forces, deployed as part of previous bilateral agreements between the Democratic Republic of the Congo and Rwanda, withdrew from Rutshuru territory, North Kivu. In reaction, 30 opposition political parties, including the Union pour la démocratie et le progrès social (UDPS), issued a statement on 3 September in which they alleged complicity between the Governments of the Democratic Republic of the Congo and Rwanda with regard to the mutiny by M23 in North Kivu. They requested the parliament to indict the President on charges of high treason and rejected the deployment of a neutral international force as proposed by the Heads of State and Government of the International Conference on the Great Lakes Region at an extraordinary summit meeting held on 15 July in Addis Ababa.

8. On 15 September, the National Assembly and the Senate opened an ordinary session of the parliament. The speakers of both chambers called upon the Government to submit the draft 2013 budget act in a timely manner. The Speaker of the National Assembly announced that two pieces of legislation would be considered as a matter of priority: a bill to amend the Organic Law on the Organization and Functioning of the Independent National Electoral Commission

and a bill to establish the National Commission on Human Rights. The latter was adopted on 10 October. On the same day, the Council of Ministers adopted the draft 2013 budget act, which was transmitted to the National Assembly on 18 October for adoption. Developments relating to the electoral process are described in annex I to the present report.

9. The fourteenth Summit of la Francophonie was held from 12 to 14 October in Kinshasa. I was represented by the Director General of the United Nations Educational, Scientific and Cultural Organization, Irina Bokova. On the margins of the Summit, the President of France, François Hollande, held separate meetings with his Congolese counterpart and with various opposition leaders, including Etienne Tshisekedi, the leader of UDPS.

10. In addition to the declaration issued at the conclusion of the Summit on 14 October, a resolution was adopted on the situation in the Democratic Republic of the Congo, in which the assembled Heads of State and Government condemned the violence and human rights violations by armed groups in the eastern part of the country, called for the Security Council to adopt targeted sanctions against those responsible and expressed support for the initiatives of the African Union, the International Conference on the Great Lakes Region, the Southern African Development Community and the United Nations to resolve the crisis peacefully.

North Kivu, South Kivu, Maniema and Katanga Provinces

11. In North Kivu, the mutiny by former CNDP elements, which began in April, expanded. On 6 May, a communiqué was published announcing the creation of M23 by a decision of the military wing of CNDP as a result of what it claimed was the Government's failure to implement the peace agreements of 23 March 2009. In the communiqué, former Colonel Makenga was named commander of M23. Clashes between the mutineers and the Congolese armed forces intensified during May. The mutineers concentrated in Runyoni, in Rutshuru territory, near the borders with Rwanda and Uganda. Further desertions from the Congolese armed forces in the Kivus and in Ituri continued up to and including October, including from the ranks of the Congolese national police.

12. Throughout May, the Congolese armed forces launched attacks to dislodge M23 from its positions in Runyoni, while fighting to retake positions from armed groups in Masisi, Walikale and Lubero territories. An increase was recorded in reports of human rights violations and crimes committed by M23, other armed groups and, to a lesser extent, the Congolese armed forces, along with widespread population displacements and an influx of refugees into Rwanda and Uganda.

13. In addition, a number of Mayi-Mayi armed groups, some of which were also signatories to the peace agreements of 23 March 2009, stepped up their attacks on the Congolese armed forces. They included Mayi-Mayi Cheka in Walikale and a new Mayi-Mayi coalition based in Lubero territory, which reportedly has links with elements under the command of Kakule Lafontaine and a Congolese armed forces deserter, former Colonel Kahasha, in addition to other militias in North Kivu and Ituri. FDLR and Congolese armed groups, such as the Alliance des patriotes pour un Congo libre et souverain, began reoccupying positions vacated by the Congolese armed forces as units were redeployed to combat M23. There were reports that new armed groups had been mobilized in Masisi and Beni territories. Some FDLR

combatants moved from South Kivu to North Kivu, concentrating in Masisi and Walikale territories.

14. Attacks by armed groups intensified, increasingly targeting particular ethnic groups. Armed clashes and retaliatory attacks involving two coalitions of armed groups — Mayi-Mayi Raïa Mutomboki, Mayi-Mayi Kifuafua and the Forces de défense congolaise, on the one hand, and FDLR and Mayi-Mayi Nyatura, on the other — increased in Walikale and Masisi territories. Investigations by the United Nations Joint Human Rights Office confirmed that at least 112 civilians were killed by Mayi-Mayi Raïa Mutomboki in Katoyi between mid-August and early September.

15. On 7 June, the Prime Minister, Matata Ponyo, led a ministerial delegation, including the Vice-Prime Minister/Minister of Defence, on a four-day visit to North and South Kivu. On 9 June, in a press communiqué issued from Goma, the Government denounced the support provided by Rwanda to M23 and stated that it had corroborating information to support its claim. On 26 June, the addendum to the interim report of the Group of Experts on the Democratic Republic of the Congo, submitted to the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, was published (S/2012/348/Add.1). In that report, the Group documented the support provided by officials of the Government of Rwanda and the Rwandan armed forces to M23 in violation of the arms embargo and sanctions regime. On 27 July, the Government of Rwanda submitted a rebuttal report to the Committee, in which it refuted the findings of the Group concerning the provision of external support to M23. The final report of the Group of Experts is scheduled to be issued in November.

16. On 5 July, the Congolese armed forces launched a new military offensive against M23 in Rutshuru territory. M23 launched a counter-offensive and expanded its de facto control in most of the territory, including Bunagana town on the border with Uganda. On 5 July, a United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) peacekeeper died from wounds sustained in crossfire in Bunagana. More than 600 Congolese soldiers and their families, along with a number of Congolese police officers, fled across the border into Uganda. They were repatriated by the Ugandan People's Defence Forces on 12 July. On 11 and 12 July, in response to reports of serious human rights violations and advances by M23 towards Goma, MONUSCO attack helicopters fired on M23 positions.

17. On 11 July, M23 named Jean-Marie Runiga Lugerero, a bishop and former CNDP member, as the movement's political coordinator. Subsequently, M23 began installing a parallel administration in Rutshuru territory. It appointed its own territorial administrator and police chief, imposed changes in the administrative status of some localities such as Rubare and appointed new local chiefs and administrators. It also established its own revenue collection system. On 17 August, it announced the creation of a political cabinet, with Runiga as its president, and the appointment of a "government" to administer Rutshuru territory.

18. On 24 July, M23 launched an assault on Congolese armed forces positions near Rugari in Rutshuru territory. Clashes intensified in the following days, during which a MONUSCO peacekeeper was wounded in crossfire. M23 forces seized control of Rutshuru town and Kiwanja. Since August, the Congolese armed forces have established loose operational alliances with the Alliance des patriotes pour un Congo libre et souverain and Nyatura armed groups and held informal talks with

their commanders regarding the possible integration of some combatants into the Congolese army. By October, the integration of Nyatura combatants had been completed. Between late September and mid-October, shootings and grenade attacks by unknown elements resulted in the deaths of at least five people in Goma. In response, the provincial authorities implemented a plan to reinforce security throughout the town, including joint patrols with the Congolese armed forces, the national police and MONUSCO.

19. On 2 October, M23 elements advanced north-east towards Nyamilima and the border town of Ishasha, but were pushed back on 10 October towards Kisheguru during clashes with Mayi-Mayi groups. On 16 October, six MONUSCO peacekeepers and an interpreter sustained gunshot wounds after an exchange of fire with unknown armed elements near the town of Buganza in northern North Kivu, while conducting a patrol on the Nyamilima-Ishasha axis. On 20 October, Bishop Runiga announced that the M23 armed wing would thenceforth be called the Armée révolutionnaire du Congo. M23 also threatened to resume fighting if the Government did not initiate direct negotiations with it.

20. In South Kivu, the situation remained volatile, with persistent rumours of an expansion of the mutiny by M23 into the province and reports of cross-border infiltrations. The activities of armed groups, including Mayi-Mayi Raïa Mutomboki, Mayi-Mayi Yakutumba, Mayi-Mayi Bede and Mayi-Mayi Nyatura, increased with the redeployment of the Congolese armed forces to North Kivu.

21. In July and August, there was a surge in activities by Mayi-Mayi Raïa Mutomboki, which stretched from Mwenga north to Shabunda and Kalehe territories and into Walikale territory in North Kivu. Clashes continued throughout August between Mayi-Mayi Raïa Mutomboki factions and either Mayi-Mayi Nyatura or the Congolese armed forces. These clashes deepened inter-ethnic tensions around issues of land and collaboration with FDLR. The recruitment of young people by these armed groups continued in the area. Infighting between the various factions of Mayi-Mayi Raïa Mutomboki in Shabunda territory generated further violence.

22. Mayi-Mayi Yakutumba remained active around the Ubwari peninsula and in the Ngandja forest in Fizi territory. A coalition of Mayi-Mayi Yakutumba and the Burundian rebel group Forces nationales de libération continued to operate in the Rukoko forest border area in Uvira territory. On 17 September, the Congolese armed forces launched operations against this coalition, coordinated with operations on the other side of the border by the Burundian armed forces.

23. Tensions escalated between the Bafuliro and Barundi communities in the Ruzizi plain of Uvira territory. On 28 and 29 September, a delegation led by the Minister of the Interior held meetings with traditional leaders of both communities, culminating in the signing of an agreement to promote peaceful coexistence.

24. In Maniema Province, rumours persisted about possible infiltrations of M23 combatants or related attempts to destabilize the province. Elements of Mayi-Mayi Simba remained active in the Maiko National Park in Lubutu territory. Clashes were reported between the Congolese armed forces and elements of Mayi-Mayi Raïa Mutomboki along the borders with North and South Kivu.

25. The security situation continued to deteriorate in the Manono-Moba-Pweto triangle in northern Katanga owing to increased activities by Mayi-Mayi Gédéon and other smaller Mayi-Mayi groups. MONUSCO received reports that 400 young

people joined the Jeunes katangais Mayi-Mayi group in June. Between June and July, Mayi-Mayi Gédéon allegedly recruited new combatants and progressively expanded its presence in Manono territory. Between July and late September, the militia attacked Congolese armed forces positions in Manono and Pweto territories. The continuing fighting and harassment of local populations by both the Congolese armed forces and Mayi-Mayi militias led to an increase in the number of displaced persons in northern and central Katanga Province.

Orientale Province

26. Desertions from the Congolese armed forces increased in Ituri district. Moving into areas formerly held by the Congolese armed forces, the Forces de résistance patriotiques en Ituri (FRPI) militia expanded its presence in southern Irumu territory. At the beginning of July, its leader, Cobra Matata, claimed to be willing to accept integration into the Congolese armed forces, provided that he was granted an amnesty. Subsequently, FRPI has regrouped at three main sites, Aveba, Bukiringi and Gety, for identification. As at the end of October, however, it appeared that no agreement had been reached on integration into the Congolese armed forces. In Djugu territory, there were reports that a former element of the Union des patriots congolais known as Colonel Hitler was recruiting for a new armed group, Mouvement de résistance populaire du Congo, which comprised former combatants from the Rassemblement congolais pour la démocratie-Goma.

27. The Mayi-Mayi Simba militia, reportedly led by a former poacher known as "Captain Morgan", moved from Bafwasende into Mambasa territory. On 24 and 25 June, Mayi-Mayi Simba elements attacked the Okapi wildlife reserve with a view to taking control of illegal artisanal mining sites and poaching activities.

28. Continuing pressure from MONUSCO and the Congolese armed forces, in addition to the capture of a Lord's Resistance Army (LRA) commander, Caesar Achellam, on 12 May by the Ugandan armed forces in Haut-Uélé, contributed to a reduction in the armed group's activities. The number of LRA-related incidents reported decreased from an average of 38 per month between January and May to 20 between June and September. Consequently, LRA was assessed as operating mainly in survival mode, but remained active in the Garamba National Park and the Bangadi-Ngilima-Niangara triangle. LRA was also present in Bas-Uélé, possibly as a rear base for elements operating in the Central African Republic.

Humanitarian situation

29. According to the Office for the Coordination of Humanitarian Affairs, humanitarian needs increased during the reporting period, in particular as displacements grew because of renewed fighting and insecurity in the eastern Democratic Republic of the Congo. The number of internally displaced persons rose to 2.24 million from 1.7 million at the beginning of 2012. The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator visited the Democratic Republic of the Congo from 5 to 9 August.

30. In North Kivu, more than 260,000 people were displaced as a result of the mutiny by M23. In addition, more than 70,000 people fled into Rwanda and Uganda. Some 60,000 children could not return to school in September in North Kivu because 258 schools had been burned, pillaged, used as shelter by internally displaced persons or occupied by armed men. South Kivu recorded a total of

845,000 internally displaced persons as at 30 September, with more than 198,000 new displacements from April to August. Most displacements occurred in Kalehe territory, which borders North Kivu. Some 166,000 internally displaced persons returned to their homes, mainly in Shabunda territory.

31. In Katanga Province, the humanitarian situation has deteriorated since the beginning of 2012 owing to the activities of armed groups, causing a sharp increase in displacement. The province recorded more than 224,000 internally displaced persons at the time of reporting, up from some 55,000 in December 2011.

32. Orientale Province faced a new outbreak of Ebola haemorrhagic fever in the area of Isiro town in Haut-Uélé. Of the 81 people infected as at mid-October, 36 had died. The Ministry of Health officially declared an epidemic on 17 August and set up committees to coordinate emergency response, prevention and containment.

33. On 30 June, a cessation clause for the return of Angolan refugees took effect. Some 17,000 Angolan refugees have been voluntarily repatriated from the Democratic Republic of the Congo. As at 30 September, 6,633 Rwandan refugees had been repatriated from North Kivu and 2,425 from South Kivu. As at 17 October, 29,771 Congolese refugees had been repatriated from the Congo to Equateur Province, with assistance from the Office of the United Nations High Commissioner for Refugees. In parallel, since May, more than 3,000 refugees from the Central African Republic have fled insecurity in their country to seek refuge in northern Equateur Province.

34. Expulsions by the Angolan authorities of Congolese nationals continued. According to the provincial authorities, more than 3,500 Congolese were expelled from Cabinda into Bas-Congo Province between May and 7 August. Some 53,000 Congolese nationals were expelled between January and August through border points from Angola into Bandundu, Bas-Congo and Kasai Occidental Provinces.

35. Humanitarian access remained difficult in the eastern Democratic Republic of the Congo. The Office for the Coordination of Humanitarian Affairs has reported at least 170 security incidents against humanitarian actors since the beginning of 2012. Urgent funding from the Central Emergency Response Fund, with $32 million allocated for the Kivus, Orientale and Katanga, nevertheless allowed humanitarian agencies to deliver food, water and other essential items. The 2012 Humanitarian Action Plan was funded at only 52 per cent as at mid-October.

Regional developments

36. At the request of the Government of the Democratic Republic of the Congo, the Chair of the International Conference on the Great Lakes Region and President of Uganda, Yoweri Museveni, convened an extraordinary summit of the Heads of State and Government of the International Conference on the Great Lakes Region on the security situation in the eastern Democratic Republic of the Congo on 15 July in Addis Ababa. In a statement issued following the summit, the Heads of State and Government condemned the actions of M23, qualified it as a negative force and demanded that no support should be provided to any armed group to destabilize the region and the eastern Democratic Republic of the Congo in particular. They outlined a multi-pronged approach to resolving the crisis, including the enlargement of the Joint Verification Mechanism to all Conference members and its operationalization; the deployment, with United Nations and African Union support,

of a neutral international force to eradicate M23, FDLR and other armed groups and to secure border areas; and the reappointment of the United Nations and African Union special envoys on the Great Lakes region, former presidents Olusegun Obasanjo and Benjamin Mkapa, respectively. Three additional extraordinary summits of the Conference concerning the situation in the eastern Democratic Republic of the Congo were held during the reporting period.

37. In follow-up to the second extraordinary summit of the Heads of State and Government of the International Conference on the Great Lakes Region, convened in Kampala on 7 and 8 August, a subcommittee of defence ministers, chaired by Uganda, was established and tasked with proposing urgent steps to halt the fighting in the eastern Democratic Republic of the Congo and developing modalities to make the neutral international force operational. Following its meeting in Goma on 15 and 16 August, the subcommittee presented a report in which it called for M23 to cease all hostilities, end all anti-constitutional activities, including the installation of a parallel administration, and return to its earlier military positions. It proposed the establishment of a military assessment team to conduct field assessments and make proposals for the deployment of the neutral international force. It also proposed a re-evaluation of the peace agreements of 23 March 2009.

38. In a statement issued following the thirty-second session of the Summit of Heads of State and Government of the Southern African Development Community, held in Maputo on 17 and 18 August, the Heads of State and Government condemned the Government of Rwanda for allegedly supporting M23 and mandated the Chair of the Community and President of Mozambique, Armando Guebuza, to visit Kigali with the aim of engaging the Government of Rwanda on the matter.

39. During the third extraordinary summit of the Heads of State and Government of the International Conference on the Great Lakes Region, held in Kampala on 8 September, the Chair of the Conference was requested to continue his diplomatic engagement with the parties to the conflict, including M23. Echoing this, at its 335th meeting, on 19 September, the Peace and Security Council of the African Union called for the effective implementation of the peace agreements of 23 March 2009.

40. In the meantime, the expanded Joint Verification Mechanism was launched in Goma on 14 September with MONUSCO support. In addition, with the support of the United Nations, the Military Assessment Team began work in Goma on 23 September on a concept of operations for the neutral international force.

41. On 27 September, I chaired a high-level meeting on the eastern Democratic Republic of the Congo that was attended by 26 delegations, including representatives of the members of the International Conference on the Great Lakes Region, several MONUSCO troop-contributing countries in the Kivus, members of the International Contact Group on the Great Lakes Region and the permanent members of the Security Council. Many participants condemned M23 and any provision of external support to M23 and other armed groups. They also stressed that there was a need for continued dialogue and confidence-building between the Democratic Republic of the Congo and Rwanda. While some participants, including the Democratic Republic of the Congo and most members of the International Conference on the Great Lakes Region, supported the early establishment of the Conference-proposed neutral international force, others were more cautious about the practical modalities for making such a force operational.

42. On 8 October, a fourth extraordinary summit of the Heads of State and Government of the International Conference on the Great Lakes Region was held in Kampala. The Military Assessment Team was given two additional weeks to produce a concept of operations for the neutral international force. The Chair of the Conference was requested to approach the Conference, the Southern African Development Community and other African partners to secure troop contributions to the force and to further mobilize African Union and United Nations support. He was also requested to continue his diplomatic efforts with all concerned parties in order to peacefully end the conflict. The participants encouraged the expanded Joint Verification Mechanism to begin work immediately.

III. Implementation of the mandate of the Mission

Protection of civilians

43. The scale and magnitude of the crisis in North Kivu and the multiplication of threats in other parts of the eastern Democratic Republic of the Congo led MONUSCO to rapidly increase and robustly adapt activities and operations aimed at protecting civilians under imminent threat. MONUSCO continued to deploy 93 company operating bases and temporary operating bases and 48 team sites to provide a protective presence in the eastern Democratic Republic of the Congo. Formed police units also provided additional protection measures for United Nations assets and personnel and public order management, where necessary. In addition, the Mission employed flexible short-term deployments, including mobile operating bases and static combat deployments, focusing mostly on protection hotspots. The number of these deployments has stretched the Mission's resources and operational capacities to the maximum.

44. The continued extension of the community alert networks project was accomplished through the installation of 16 additional units in the Kivus and Orientale Province, bringing the total number to 36. High-frequency radio systems were set up in 12 MONUSCO military bases not covered by telephone networks to communicate with communities equipped with radio systems. Since July, a total of 147 additional community liaison assistants have been recruited to strengthen the MONUSCO civilian presence in the Kivus and Orientale, Katanga and Equateur Provinces. A total of 27 joint protection teams were deployed in the Kivus and Orientale Province in areas most affected by conflict and violations of international humanitarian law and human rights. Community protection plans were developed on the basis of the outcomes of those missions. In coordination with key United Nations agencies and partners, MONUSCO conducted a protection contingency planning exercise in relation to the M23 threat in North Kivu.

Electoral developments

45. During the reporting period, modest progress was made in taking forward the next phase of the electoral cycle. Details in this regard are provided in annex I to the present report.

Stabilization and peace consolidation

46. Limited progress was made in implementing stabilization projects planned within the framework of the International Security and Stabilization Support

Strategy in support of the Government's stabilization and reconstruction plan for areas emerging from armed conflict. Owing to the prevailing insecurity, projects were suspended in Rutshuru territory, North Kivu, and implementation was delayed in other areas such as the Miti-Hombo axis in South Kivu.

47. The Peace Consolidation Programme was formally presented to the Government on 30 July. On 18 September in Mbuji-Mayi, Kasai Oriental Province, the area coordinator mechanism was launched in the presence of senior Government officials, donors and United Nations representatives. Three joint offices have been established in Bas-Congo, Kasai Oriental and Kasai Occidental Provinces under the authority of the United Nations area coordinators, who will aim to help increase efficiency in coordination between MONUSCO and the United Nations country team and support a gradual transition from peacekeeping to peacebuilding and economic recovery.

Progress in achieving a coordinated United Nations approach and critical peacebuilding gaps

48. A donor coordination group was officially established on 6 June as a forum for high-level dialogue and consensus-building among bilateral and multilateral development partners and the Government. A seminar marking the launch of the New Deal for Engagement in Fragile States process and the involvement of the Democratic Republic of the Congo as a pilot country was held in Kinshasa on 16 August. It was followed by a Government-led workshop from 5 to 7 September to prepare the Democratic Republic of the Congo fragility assessment, the technical foundation necessary to implement the New Deal.

Human rights

49. Armed activities in the eastern Democratic Republic of the Congo continued to have a negative impact on the human rights situation, in particular in North Kivu and Orientale Province. While FDLR, LRA and various Mayi-Mayi groups continued to commit serious human rights abuses, new developments included the mutiny by M23 in North Kivu, the escalation of violence by factions of Mayi-Mayi Raïa Mutomboki in both Kivus and the particularly violent attacks by Mayi-Mayi Simba in Orientale Province.

50. As M23 gained control over large parts of Rutshuru territory, many cases of human rights violations perpetrated by its elements, including summary executions, rapes, ill-treatment, forced labour and forced recruitment, were documented. Those who showed resistance to M23, in particular local community leaders and members of civil society, were often subjected to threats, assaults and, at times, summary executions. On 30 May, the South Kivu military convicted 13 former CNDP officers who had deserted from the Congolese armed forces in April. Two were tried in absentia and sentenced to death, eight sentenced to life imprisonment and three to prison terms ranging from 2 to 20 years. All bar one were discharged from the Congolese armed forces.

51. In Masisi territory, North Kivu, armed groups, in particular Mayi-Mayi Raïa Mutomboki and, to a lesser extent, FDLR and Mayi-Mayi Nyatura, launched violent attacks and reprisals, targeting civilians perceived as supporting their opponents, on the basis of their supposed ethnic identity. The killing of hundreds of civilians and

the burning and looting of dozens of villages in more than 75 attacks were documented between May and September.

52. In July, investigations were conducted into attacks committed on 24 and 25 June by Mayi-Mayi Simba in the Okapi wildlife reserve in Epulu, Orientale Province, which resulted in the killing of six civilians, the rape of more than 50 women, some of whom were used as sex slaves, and the abduction of more than 100 civilians who were used as porters of looted goods. The Military Prosecutor opened an investigation and issued an arrest warrant against Captain Morgan, the leader of Mayi-Mayi Simba.

53. In parallel, the number of violations attributed to Congolese soldiers increased during the period under review. Most of the violations occurred during military operations against armed groups. Individuals perceived as having links with M23 were ill-treated while under arrest or detained in Congolese armed forces and National Intelligence Agency facilities in North Kivu. At least one, a boy alleged to be from Rwanda, succumbed to injuries sustained while in detention in Goma in July.

54. Between July and October, MONUSCO supported missions conducted by the Vice-Minister for Justice and Human Rights to Equateur, Kasai Occidental, Kasai Oriental, Orientale and South Kivu Provinces to launch provincial liaison offices on human rights, monitor the situation of prisons and raise the awareness of national security forces, judicial authorities and civil society about legislation criminalizing torture.

55. From 24 to 26 August, during a joint mission to Ango territory, Orientale Province, the Minister of the Interior ordered the suspension of expulsion and restriction of movement measures against members of the Mbororo pastoral community. In September, military judicial authorities opened an investigation into several Congolese soldiers allegedly involved in serious violations against the community.

56. The situation of human rights defenders and journalists in the Democratic Republic of the Congo remained precarious. On 17 July, in Kinshasa, the Military High Court began to hear an appeal in the case of the murder of Congolese human rights defender Floribert Chebeya and the disappearance of his driver Fidèle Bazana, although serious concerns regarding interference in the judicial process continued. On 23 October, the Court rendered preliminary rulings, deciding to reject the civilian plaintiffs' request to establish the involvement in the case of the former Inspector General of the Congolese national police, General John Numbi, who had been suspended from his duties in 2010.

Sexual violence

57. Nationwide, MONUSCO documented cases of sexual violence involving at least 398 victims, including 182 children, which were allegedly committed by armed groups or national security forces between mid-May and September. At least 31 alleged perpetrators involved in 28 documented cases were arrested, 26 during the reporting period. Owing to the security situation in the eastern Democratic Republic of the Congo, it was not possible to conduct missions to investigate all allegations of sexual violence.

58. The provision of multi-sectoral assistance to survivors of sexual violence and training of specialized personnel on national protocols on minimum standards for medical and psychosocial assistance continued in Kinshasa and South Kivu. The improvements notwithstanding, victims continued to experience difficulties in gaining access to health structures or obtaining free or low-cost treatment. In North Kivu, security conditions seriously limited victims' access to medical and other assistance.

59. During the reporting period, MONUSCO organized a series of training sessions for a total of 530 Congolese soldiers, 400 magistrates and 785 police officers on prevention of and responses to sexual and gender-based violence.

Children and armed conflict

60. The reporting period was marked by an increase in child rights violations, including the killing and maiming of children and forced recruitment by armed groups. A total of 538 children (491 boys and 47 girls) were separated or escaped from armed forces and groups during the reporting period, representing a significant increase compared to the previous reporting period. The main recruiters were FDLR, LRA, Mayi-Mayi groups and M23. A total of 61 children were released from the Congolese armed forces as a result of screening exercises conducted in training centres in Kananga and Kamina. Interviews with 44 children and adults formerly associated with M23 indicated systematic recruitment of underage children, including girls, in addition to incidents of killing and maiming of children, in particular in Rutshuru territory, North Kivu.

61. During the reporting period, attacks by armed groups in the Kivus resulted in the killing of 37 children and the maiming of 35 others. MONUSCO also documented cases of rape and sexual violence against 157 children in the context of the conflict in the eastern Democratic Republic of the Congo. The main alleged perpetrators were the Congolese armed forces (49 cases) and Mayi-Mayi Simba (43 cases). As at 27 October, the screening by MONUSCO of candidates for recruitment by the Congolese armed forces had led to the separation of 116 individuals, including 2 girls, who were under 18 years of age.

62. On 4 October, an action plan to halt the recruitment and use of children by the national security forces was signed in Kinshasa by the Government, MONUSCO and the United Nations Children's Fund.

Disarmament, demobilization and reintegration/disarmament, demobilization, repatriation, resettlement and reintegration

63. Voluntary participation in the disarmament, demobilization, repatriation, resettlement and reintegration process decreased owing to the mutiny by M23 and the resulting reduction in military pressure on FDLR and other armed groups. Disarmament, demobilization, repatriation, resettlement and reintegration awareness-raising campaigns were also curtailed in M23-controlled areas owing to the security situation. From May to October, 494 FDLR combatants and 755 dependants were repatriated.

64. Since 23 May, MONUSCO has received 59 deserters from M23, including 18 children, in the Goma transit camp. Of those, 56 claimed to be Rwandan citizens, with most stating that their recruitment occurred in Rwanda and the remainder in the

eastern Democratic Republic of the Congo. Several attempts to repatriate Rwandan M23 combatants were made in June and July without success. In September, most of those combatants left the transit camp of their own volition.

65. Formal disarmament, demobilization and reintegration activities remain suspended following the decision of the Government of the Democratic Republic of the Congo to halt the national programme. Nonetheless, between May and October, MONUSCO received and disarmed 760 Congolese combatants and dependants, of whom 209 were Congolese members of FDLR seeking to voluntarily demobilize and 240 were children associated with armed groups.

66. As requested in paragraph 28 of resolution 2053 (2012), MONUSCO is developing benchmarks for measuring the progress and impact of disarmament, demobilization, repatriation, resettlement and reintegration on the strength of foreign armed groups. With sustained awareness-raising activities and increased coordination between disarmament, demobilization, repatriation, resettlement and reintegration activities and military operations, in addition to those of other partners, MONUSCO expects to repatriate on average some 100 foreign combatants and dependants each month.

Provision of support to operations by the Congolese armed forces against armed groups

67. MONUSCO continued to provide a wide range of support, including advice, to the Congolese armed forces at both the command and tactical levels. Its support was focused on efforts by the armed forces to combat and contain the mutiny by M23 in North Kivu and was provided in accordance with the provisions of the United Nations human rights due diligence policy. In response to the mutiny by M23, the Congolese armed forces redeployed assets, including troops, to North Kivu, assisted in some cases by MONUSCO. The Mission assisted the armed forces with operational planning support and casualty evacuation and, later, by supplying fuel and rations. In southern Irumu, MONUSCO provided logistical support to two Congolese armed forces regiments as they prepared to dislodge FRPI from the area early in May. On Lakes Tanganyika and Kivu, the Mission's riverine assets conducted joint operations with Congolese naval forces, deterring armed group activity along the border between the Democratic Republic of the Congo and Burundi, Rwanda and the United Republic of Tanzania.

Mine action

68. As a result of the crisis in North Kivu, unexploded ordnance contamination in Masisi, Walikale and Rutshuru territories increased. Between August and October, MONUSCO destroyed 284 items of unexploded ordnance in those areas. Furthermore, between May and September, MONUSCO destroyed 31 mines and 11,029 items of unexploded ordnance and delivered risk education to 26,078 people.

Provision of support to security sector reform

69. While MONUSCO continued its collaboration with the Congolese national police and explored new initiatives with the Minister for Justice and Human Rights, opportunities to support security sector reform efforts were limited by the focus on efforts to tackle the mutiny by M23. Progress on the reform and reinforcement of the security and justice sectors is further elaborated in annex II to the present report.

Police

70. The United Nations police reconfigured its deployment to enhance its participation in various mechanisms for the protection of civilians. The Bandundu sector in the western part of the country was closed, while new subsectors in Dungu, Orientale Province, and Kamina, Katanga Province, were opened in the east, where protection challenges are on the rise.

71. At the request of the Congolese national police, the United Nations police conducted refresher training from 10 to 28 September for 1,685 National Intervention Legion personnel on crowd control and intervention techniques, in addition to protection techniques for very important persons, as part of security preparations for the fourteenth Summit of la Francophonie. In September, the United Nations police, with the support of the United Nations Development Programme (UNDP) and funding from the Japan International Cooperation Agency, launched basic training programmes for some 1,000 national police officers. On 2 October, the United Nations police, in partnership with the national police and the United Nations Office for Project Services, completed the training of 291 officers, including 24 women, who were integrated from various armed groups within the framework of the peace agreements of 23 March 2009.

Justice and correction institutions

72. MONUSCO continued to support the Congolese judicial authorities in conducting judicial inspections and organizing mobile courts to help reduce the very high number of pretrial detainees. Consequently, 570 cases of irregular detention were regularized and 89 verdicts rendered during the reporting period.

73. With regard to military justice, the five MONUSCO prosecution support cells are fully operational. They have received and are processing 20 official requests for investigatory advice and assistance from the Office of the Congolese Chief Military Prosecutor. These requests relate to serious crimes, including those allegedly perpetrated by armed forces personnel.

74. Prison security remains a major challenge, especially in the eastern Democratic Republic of the Congo. Separate attacks on 8 and 18 July by M23 and Mayi-Mayi combatants, respectively, led to the escape of all prisoners from the Rutshuru and Walikale prisons. In Goma, MONUSCO contributed to temporarily reinforcing security at the central prison. On 26 September, 67 of the 110 inmates held in Aru prison escaped following the eruption of a violent protest over poor living conditions and overcrowding.

Illegal exploitation of natural resources

75. On 26 July, the Government decided to prioritize the establishment of State-controlled trading centres for artisanally mined minerals in the conflict-free areas of Maniema and Katanga Provinces, rather than the Kivus. That decision led to the postponement of the establishment of trading centres previously planned in the Ndjingila and Itebero areas of Walikale territory, North Kivu, until the security situation there improved. Early in August, MONUSCO began assisting the Ministry of Mines in validating mining sites in Maniema and Katanga as free of armed groups or security forces.

Joint assessment process

76. In September, joint assessment team missions were conducted by MONUSCO and Government representatives. The security and humanitarian situation and progress in the extension of State authority was assessed in 27 territories and localities throughout the Kivus and Orientale and Katanga Provinces.

77. The joint assessment teams took note of the changes in the security and humanitarian situation throughout the provinces assessed, as reflected in section II of the present report. They noted that the adjustments to the deployment of MONUSCO responded to the requirements for the Mission's overall mandate implementation. The exercise contributed to further constructive engagement between the United Nations and the Congolese authorities.

Mission deployment

78. During the reporting period, MONUSCO deployed its force assets in line with its protection of civilians mandate in the Kivus and Orientale Province, in particular to meet emerging threats from both Congolese and foreign armed groups. The situation was dominated by the need to respond to the mutiny by M23 in North Kivu.

79. MONUSCO redeployed troops from both the Western and Ituri brigades to North Kivu to reinforce the capacity of the Congolese armed forces, deter any attack on Goma and provide the North Kivu brigade with increased tactical flexibility. It also reconstituted its force reserve by redeploying troops to Goma. The Mission maintained presences in Rutshuru territory and strengthened its positions in adjacent areas in North Kivu to support efforts by the Congolese armed forces to prevent further M23 advances southward towards Goma, eastward towards the M23 stronghold of Masisi and northward towards Rwindi.

80. The Government of Ukraine completed the deployment of four attack helicopters to MONUSCO, two of which are in Goma. Two military utility helicopters were redeployed from Bunia to Goma. In Orientale Province, MONUSCO redeployed some troops and military observers into Bas-Uélé, establishing an initial presence in both Ango and Buta in order to improve situational awareness. In August, a third Uruguayan utility helicopter was deployed to MONUSCO. In addition, a MONUSCO vessel on Lake Tanganyika became fully operational in June.

IV. Observations

81. The mutiny by M23 that began in April continues to pose a serious threat to peace and security in the eastern Democratic Republic of the Congo and the Great Lakes region and may do so for some time. I am deeply concerned that M23 continues to consolidate de facto control in Rutshuru territory, North Kivu, and is attempting to expand its reach and form alliances with armed groups elsewhere. In other parts of the eastern Democratic Republic of the Congo, armed groups have taken advantage of security voids to remobilize, recruit and broaden their attacks in the Kivus and in Ituri. In particular, while FDLR remains relatively weakened by concerted military and judicial pressure and active efforts by MONUSCO to encourage defections, the crisis caused by M23 has created opportunities for FDLR to reoccupy some areas and seek new alliances that could lead to its revival as a

threat to civilians. The mutiny by M23 and its consequences have reversed hard-won gains in security, stabilization and reconciliation in the eastern Democratic Republic of the Congo. The situation remains extremely fragile, with the continued risk of a renewed outbreak of fighting.

82. I am deeply disturbed by the humanitarian consequences of the mutiny by M23 and by the scale and magnitude of the suffering of the population in North Kivu and other parts of the eastern Democratic Republic of the Congo. Reprisal attacks on civilians are intensifying, fuelling cycles of hatred and violence among communities. Humanitarian organizations have also increasingly been the target of attacks and restrictions on their freedom of movement. I vigorously condemn the violence and serious human rights abuses committed by M23 and other armed groups against civilians, including summary executions and other abuses of local chiefs, administrators and others who have endeavoured to resist their control. In this context, the widespread acts of sexual violence in the eastern Democratic Republic of the Congo, in particular by armed groups, remain a serious cause for concern. Children have also been targeted by these armed groups, in particular M23, for forced recruitment, killings and other human rights violations.

83. I am equally disturbed by continuing reports of external support being provided to M23. I welcome the strong condemnation by a number of Member States of any provision of support to M23 and other negative forces in the Democratic Republic of the Congo and call upon all those responsible to immediately and permanently end such destabilizing assistance. The sovereignty and territorial integrity of the Democratic Republic of the Congo is inviolable and must be fully respected by all neighbouring countries.

84. While military means alone cannot resolve the continuing crisis, an adequate military response to M23 activity is important, including to protect civilians from further attacks. The high-level meeting on the situation in the eastern Democratic Republic of the Congo that I chaired in New York on 27 September afforded an important opportunity for further dialogue between international and regional partners with the aim of reinforcing regional efforts to find a peaceful resolution to the crisis. Constructive dialogue and engagement between the Democratic Republic of the Congo and its neighbours, especially Rwanda, is vital in this regard. With my Special Representative, I will continue to use my good offices to support regional efforts and will explore, when appropriate, further high-level diplomatic mechanisms towards these ends, as requested by the Security Council in its presidential statement of 19 October (S/PRST/2012/22).

85. I welcome the initiatives of the International Conference on the Great Lakes Region, whose members have been repeatedly seized at the highest levels and consistently engaged in efforts to resolve the crisis. The efforts of the Conference have helped to maintain dialogue among Great Lakes countries and stem further military offensives by M23. Under the leadership of the Conference, confidence-building mechanisms such as the expanded Joint Verification Mechanism are being reinforced. I urge the Democratic Republic of the Congo and Rwanda, joined by the new members of the enlarged Mechanism, to work effectively within the Mechanism to address their mutual security concerns. I also encourage the Conference to continue implementing its Pact on Security, Stability and Development in the Great Lakes Region, which addresses key regional issues such as the exploitation of natural resources, the return of refugees and economic integration.

86. The proposal of the Conference to deploy a neutral international force to eradicate negative forces and secure the border area should also be further refined, in coordination with key stakeholders. The United Nations is providing technical and logistical support to this effort, along with the African Union. I encourage international and regional partners to engage with the Conference in this and related initiatives and to support efforts to strengthen the capacity of the executive secretariat of the Conference. The United Nations, including through my Special Representative for the Democratic Republic of the Congo and my Special Representative and Head of the United Nations Regional Office for Central Africa, will remain closely engaged in this regard.

87. Accountability for the serious violations of human rights committed by M23 remains a key element of any lasting solution to the crisis. Every effort must be made to hold the M23 leaders accountable for the crimes that they have committed. In this connection, I welcome the intention of the Security Council to apply targeted sanctions against the leadership of M23 acting in violation of the sanctions regime and the arms embargo, as expressed in its presidential statement of 19 October. I further encourage Member States to submit, at the earliest opportunity, listing proposals to the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, as requested by the Council in its presidential statement. Separately, in accordance with the presidential statement, I intend to submit, in advance of my next regular report to the Council in February 2013, a special report on possible options, and their implications, for reinforcing the ability of MONUSCO to implement its mandate, including protection of civilians and reporting on flows of arms and related materiel across borders.

88. Additional key reforms are urgently needed to strengthen the presence of the State and build its capacity, including the army. The deteriorating situation in the eastern Democratic Republic of the Congo notwithstanding, I urge the Government to reinforce State authority there. It remains critical to expedite the deployment of police, justice and prison personnel to the structures completed within the framework of the International Security and Stabilization Support Strategy with the assistance of MONUSCO and the United Nations country team, and to mobilize the resources needed to sustain the functioning of those institutions. MONUSCO, in collaboration with the United Nations country team, the Congolese authorities and other partners, has initiated a strategic review of the International Security and Stabilization Support Strategy, as requested by the Security Council in its resolution 2053 (2012). The conclusions and recommendations of that review will be included in an annex to my next report to the Council, in February 2013.

89. The mutiny by M23 has highlighted the need to increase the capacity and strengthen the professionalism and cohesion of the Congolese security sector institutions, especially the armed forces, and heightened the interest of the Government in doing so. I welcome this dynamic and encourage partners to work closely with the Government on this issue. To this end, a comprehensive approach to military reform is essential to complement efforts in the police and justice sectors. A specific need within this comprehensive approach is to review the current demobilization/civilian reintegration model and programme, which has made limited progress in dealing with militias and other Congolese armed groups. The United Nations stands ready to continue assisting these efforts. Specific suggestions in this regard are made in annex II to the present report. I call upon the key partners of the

Democratic Republic of the Congo to provide increased and sustained support in this regard.

90. I also encourage the Government of the Democratic Republic of the Congo to work closely with MONUSCO and the United Nations country team to rapidly adopt the finalized Peace Consolidation Programme and begin its implementation following the establishment of United Nations integrated offices in Bas-Congo, Kasai Occidental and Kasai Oriental Provinces, including through the mobilization of additional resources.

91. The LRA presence in the Democratic Republic of the Congo has been greatly reduced, but not eradicated. It is therefore imperative to continue to robustly pursue the neutralization of this armed group. I encourage the Government of the Democratic Republic of the Congo to strengthen its support for the Regional Task Force initiative launched by the African Union and to engage actively with the participating countries on how to enhance implementation. At the same time, MONUSCO will continue to work closely with the Congolese armed forces to protect civilians from LRA in Orientale Province, including during the coming end-of-year holiday period.

92. It remains vital that the Congolese authorities ensure that the provincial and local elections are conducted in a timely, credible and transparent manner. This will be important to restore the confidence of the Congolese people in the country's democratic process and institutions and strengthen governance at the provincial and local levels. There has been limited progress in revising the legal framework for the electoral process, which is an important first step towards creating the conditions necessary for the completion of the current electoral cycle. I encourage continuing dialogue among political parties to rapidly revise essential electoral legislation and thereby reinforcing the credibility of the Independent National Electoral Commission. Once the revised legal framework is in place, I would also encourage the Congolese authorities to revive the Election Partnership Committee (see annex I to the present report).

93. I should like to thank my Special Representative, Roger Meece, for his leadership, and all personnel of MONUSCO and the United Nations country team for their dedication in supporting the stabilization of the Democratic Republic of the Congo. I should also like to express my appreciation to the countries contributing troops and police to MONUSCO, in particular to those Member States that have recently deployed or pledged additional air assets, and to multilateral and regional organizations, donor countries and non-governmental organizations that continue to provide invaluable support to the Democratic Republic of the Congo.

Annex I

Elections

I. Introduction

1. In paragraphs 15 to 17 of its resolution 2053 (2012), and as recommended in my previous report (S/2012/355), the Security Council outlined the context in which credible provincial and local elections in the Democratic Republic of the Congo should be held.

2. The present annex is submitted pursuant to paragraph 28 of resolution 2053 (2012), in which the Council requested that I should report on the electoral process, as indicated in paragraph 16 of the resolution. The Council also decided that the support of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) would be continually assessed and reviewed according to progress made by the Congolese authorities in consolidating the credibility of the Independent National Electoral Commission, agreeing on viable operational plans, adopting a realistic electoral calendar and continuing to ensure the full access of observers and political party representatives to electoral sites and operations. The Council also recalled the good offices role of the Special Representative of the Secretary-General in promoting and facilitating inclusive political dialogue.

II. Electoral developments

Legislative developments and activities of the Independent National Electoral Commission

3. In my previous report (S/2012/355), following the reported irregularities and allegations of fraud by national and international observer groups in relation to the conduct of the presidential and legislative elections of 28 November 2011, I had called upon the Congolese authorities to ensure the conduct of the provincial and local elections in a credible and transparent manner. As I noted in my report, the Independent National Electoral Commission made several recommendations at a workshop in April aimed at enhancing the transparency and credibility of those elections.

4. On 3 May, following its ruling of 25 April on the final results for 482 seats in the 500-seat National Assembly, the Supreme Court of Justice requested the Independent National Electoral Commission to publish the provisional results for the six remaining constituencies in five provinces, totalling 10 unencumbered seats. The Court announced the final results for those seats on 8 September.

5. On 6 June, the Independent National Electoral Commission issued a calendar in which it indicated that the provincial elections would be held in the first half of 2013, beginning with direct elections for provincial assemblies on 25 February 2013. According to this calendar, the local elections were to be held between November 2013 and March 2014.

6. On 4 July, during its extraordinary session and following its review of the Commission's annual report, the National Assembly issued recommendations on the

electoral process directed to the Commission, the parliament, the Government and the Government Audit Office. The Commission was requested, among other things, to suspend the electoral calendar until the new electoral legal framework had been put in place. It was also requested to prepare for by-elections for the remaining eight unencumbered seats in the National Assembly, located in two constituencies where elections had been annulled by the Supreme Court of Justice: one in Befale territory, Equateur Province, and seven in Masisi territory, North Kivu.

7. On 4 August, the Commission assessed that it would not be possible to hold by-elections in Masisi owing to the insecurity there. Subsequently, on 18 September, the Court directed the Commission to overturn its decision to cancel the results in Masisi and, on 2 October, the Commission published the provisional results for that constituency. The Court is currently considering appeals in that regard and is expected to announce the final results by mid-December.

8. On 15 September, at the opening of the ordinary session of the parliament, the Speaker of the National Assembly announced that the Assembly would prioritize the adoption of legislation to amend the Organic Law on the Organization and Functioning of the Independent National Electoral Commission and to establish the National Commission on Human Rights by the end of the session. The latter legislation was adopted by the National Assembly on 10 October and is currently before the Senate. It envisages broad participation by civil society in the work of the Human Rights Commission and aims at reinforcing national capacity to promote and protect human rights. The proposed amendments in relation to the Independent National Electoral Commission represent the most important step towards restructuring and reforming the Commission and in determining the way forward in terms of the timing, preparations and general organization of credible and democratic provincial and local elections. The specific formulation and implementation of this bill will be a critical factor in the consideration by MONUSCO and international partners of how best to support the electoral process.

9. On 21 September, the Council of Ministers adopted an amended version of the bill, which was submitted to the parliament on 24 September. The National Assembly began reviewing it early in the current session. Differences swiftly emerged between the majority and the opposition on how to restructure the Commission, including a proposed oversight structure. On 7 October, the National Assembly leadership established a special commission that comprised, among others, the leaders of the presidential majority and opposition parliamentary groups, to bridge differences between them concerning the legislation. Points of contention have included the exact composition of the Commission's Executive Board and the establishment of a plenary body. Progress has been reported in the talks on these key issues.

10. In the meantime, the Commission conducted indirect gubernatorial elections for Bas-Congo and Orientale Provinces on 28 October. In Bas-Congo Province, there were 16 candidates for the governorship. One was the acting governor, Déo Nkusu Kunzi Bikawa, who ran as the officially endorsed candidate of the presidential majority under the banner of the party Rassemblement pour la reconstruction du Congo, while the other 15 candidates registered as independents, including some aligned with the majority and some with the opposition. A run-off was held on 31 October between the acting governor and an independent candidate affiliated with a majority party (Accord pour l'alliance avec les alliés) who was also a former parliamentarian and governor, Jacques Mbadu Nsitu. The latter won with

approximately 61 per cent of the vote, according to the provisional results announced by the Commission.

11. In Orientale Province, five candidates ran for the governorship. Four registered as independents, while the other was a former parliamentarian and minister who ran as the Parti du peuple pour la reconstruction et la démocratie candidate and was endorsed officially by the presidential majority, Jean-Pierre Mokombe Daruwezi. He entered a run-off on 31 October against the independent candidate, Jean Saidi Bamanisa, affiliated with the Mouvement social pour le renouveau, also in the majority coalition. The latter won by a small margin, with about 51 per cent of the vote, according to provisional results published by the Commission. If no appeal against the results of either gubernatorial race is filed, the definitive results could be published by mid-November.

12. The Independent National Electoral Commission has begun preparations for the by-elections for Befale, the date of which has yet to be announced. It is also preparing for gubernatorial elections in Kasai Occidental Province on 7 December and in South Kivu on a date to be announced.

13. The Commission's activities continued to be hampered by financial shortfalls. The 2012 Budget Act, promulgated on 20 July, provides $249 million in funding for the electoral process, but disbursements have to date covered only the Commission's operational costs. No donor contributions to the electoral process were made during the reporting period.

Activities of the Mission to support the electoral process

14. The International Electoral Assistance Team, which includes MONUSCO and the electoral cycle support project run by the United Nations Development Programme (UNDP), continued to support the implementation of recommendations made following assessments of the electoral process conducted between March and April 2012 by the Independent National Electoral Commission (of its activities) and by UNDP and the United Nations Secretariat (led by the Department of Peacekeeping Operations). These included an inventory of equipment provided by donors for the Commission and the establishment of storage and tracking procedures for elections-related materiel, a review of the logistics plan for the provincial and local elections, an audit of the electoral roll and the mapping of polling stations.

15. MONUSCO also monitored progress concerning investigations that were launched into elections-related human rights violations in Kinshasa in the context of the presidential and legislative election period of November 2011. Although judicial investigations progressed and an interim report was submitted on 29 August to the National Prosecutor, judicial authorities faced practical challenges in verifying some allegations and requested MONUSCO assistance in that regard. In response, the Mission has regularly provided the investigators with relevant information and advice, including on the possible exhumation of the mass graves cited in the report issued by the United Nations Joint Human Rights Office on 20 March.[a]

16. In addition, with a view to promoting inclusive dialogue and rebuilding confidence among political actors and other stakeholders, MONUSCO began exploring options to support the Independent National Electoral Commission in revitalizing consultative frameworks, including among political parties, civil society and youth groups.

[a] Available from www.ohchr.org/Documents/Countries/ZR/ReportDRC_26Nov_25Dec2011_en.pdf.

III. Way forward

17. While some progress has been made, there remains work to be done to achieve a more credible and transparent electoral process in the Democratic Republic of the Congo. The challenges facing the Congolese authorities in organizing and conducting provincial and local elections have been complicated by the deterioration in the security situation in the eastern part of the country. The Government has necessarily focused on tackling those security threats, including by diverting funds from other priority areas. The highly fragmented composition of the National Assembly, including within both opposition and majority coalitions, and continuing general inter-party suspicion, in addition to the position of the extra-parliamentary opposition, including the leadership of the Union pour la démocratie et le progrès social, all render its work more difficult.

18. The extensive efforts under way in the National Assembly to reach agreement between majority and opposition parliamentarians on the amendments to the Organic Law on the Organization and Functioning of the Independent National Electoral Commission are a positive sign of inclusive dialogue and good-faith efforts, which are critical to the future of the electoral process. The early adoption of the amended legislation is an essential step towards restructuring the Commission and enhancing the credibility of the electoral process.

19. The Election Partnership Committee, which is convened by the Commission, is co-chaired by the President of the Commission and my Deputy Special Representative for the Democratic Republic of the Congo and United Nations Resident Coordinator, Humanitarian Coordinator and Resident Representative of UNDP and attended by representatives of the Government and international electoral partners. It has not met, however, since mid-May. The promulgation of the amended legislation on the Independent National Electoral Commission and the appointment of a restructured executive bureau for the Commission will open the way for reviving the Committee. It remains the key body for coordination by the United Nations and other international partners with a reconfigured Commission, including in terms of providing support for planning and financing the provincial and local elections.

20. MONUSCO is engaged in a continuing dialogue with the Congolese authorities about advancing investigations into human rights violations committed during the election period in 2011, so that the perpetrators are held responsible. This will be an important step in combating impunity and helping to ensure that violations are prevented during the upcoming elections. MONUSCO will continue to support these investigations.

21. MONUSCO and UNDP, in consultation with other international partners, will monitor progress towards the adoption of the amendments to the Organic Law on the Organization and Functioning of the Independent National Electoral Commission and the establishment of a restructured Commission with a view to assessing their provision of support and financing required for the holding of timely, democratic and transparent provincial and local elections, which are essential for the consolidation of peace and security in the Democratic Republic of the Congo. I will report back to the Council in February 2013 on these matters.

Annex II

Security sector reform

I. Introduction

1. In its resolution 2053 (2012), while specifying that the protection of civilians remained the overall priority task for the United Nations Organization Stabilization Mission for the Democratic Republic of the Congo (MONUSCO), the Security Council indicated that security sector reform should be the primary focus within the Mission's stabilization and peace consolidation mandate. It requested the Government of the Democratic Republic of the Congo to ensure progress on a number of related issues and, among other things, to engage in a new strategic partnership with MONUSCO in the area of security sector reform to identify the priorities of each component of the security sector and possible new approaches for MONUSCO to support the Congolese authorities in building the capacity of the military, police, justice and other security institutions to consolidate State authority. The present annex is submitted pursuant to paragraph 28 of the resolution.

II. Current context

2. The further deterioration of the security situation in the eastern Democratic Republic of the Congo, following the mutiny in April by elements of the Congolese armed forces who formed the Mouvement du 23 mars (M23), underscored the importance of renewed attention to security sector reform, especially a comprehensive approach to military reform. The appointment of a new Government at the end of April also afforded a renewed opportunity to engage with the Congolese authorities on security sector reform.

3. Following extensive consultations between my Special Representative for the Democratic Republic of the Congo and senior Government representatives, the Under-Secretary-General for Peacekeeping Operations met the President of the Democratic Republic of the Congo, Joseph Kabila, in Kinshasa on 11 September. The President confirmed that reform of the Congolese national police and the armed forces were top priorities for his Government and stated his intention to devote greater national resources to military reform. The Prime Minister, Matata Ponyo, has also confirmed that the Government intends to bolster the capacity of the armed forces and develop a professional army capable of protecting the Congolese population and territory.

4. The renewed commitment of the Government to security sector reform was further underlined by the identification of governance and security as the first priority of its Growth and Poverty Reduction Strategy (2011-2015). The Government's five-year programme of action (2012-2016) also indicates that violence by armed groups and human rights violations and indiscipline among elements of the armed forces and the national police are challenges that must be addressed as a priority, including potentially through a vetting process.

III. Recent progress

5. Since 2010, some progress has been achieved in the development of a legal framework for military, police and judicial reform. This includes the promulgation, in August, of legislation on the organization and functioning of the armed forces and the national police. Three laws relating to justice reform and one on the status of police personnel have also been adopted by the parliament and are pending promulgation by the President.

6. Concerning the armed forces, efforts have continued to implement a system for the payment of salaries to personnel. In February, the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo completed a nationwide census of the armed forces. The next phase will be to initiate salary payments directly to individual soldiers through an electronic bank transfer system. The establishment of an institute for the professionalization of the military's administrative branch, inaugurated in Kananga in September, is also a positive step towards improving transparency within the armed forces.

7. There has been significant progress in the reform of the national police. A technical secretariat to support and follow-up on security sector reform has been established in the Ministry of the Interior. This is a first step towards the creation of a general secretariat for security and public order that will, among other things, coordinate the overall reform processes for the national police, the National Intelligence Agency and the Directorate-General for Migration. From 18 to 28 June, MONUSCO participated in a workshop conducted by the Ministry of the Interior on internal security policy planning to support the establishment of the general secretariat and the development of a bill on internal security. On 28 and 29 August, a seminar was organized on the creation of a national police department tasked with preventing sexual violence and strengthening the protection of minors.

8. Since 2007, the Police Reform Steering Committee, chaired by the Minister of the Interior, has served as an effective framework for the Government and police to discuss priorities and coordinate assistance provided by the United Nations and other international partners. On 20 June, during the seventh plenary meeting of the Committee, the Minister of the Interior outlined three priority areas for the national police reform process: finalizing the legal framework, budget and resource mobilization, and expediting project implementation. Before the end of 2012, the executive secretariat of the Committee intends to present to the Committee draft decrees on the creation of a police supreme council, the organization and functioning of the General Commissariat and a five-year budgeted action plan on police reform. In addition, on 20 June, texts, programmes and projects were presented to the implementation support bodies of the General Commissariat.

9. In July, following the completion of a national police census in 2011, officers' salaries were standardized according to revised ranks. In October, officers began to receive their salaries directly through an electronic bank transfer system.

10. In the justice sector, the Government, and in particular the newly appointed Minister of Justice and Human Rights, have conveyed their priorities to partners. These include improving access to justice; fighting impunity and reinforcing the criminal justice system; combating corruption and improving the environment for

investment; protecting and promoting human rights; developing the juvenile justice system; and harmonizing the judicial data collection and management systems.

11. In addition, the Minister has expressed a strong interest in more effective coordination with international partners. In September, she validated the strategic approach developed under the multi-year joint United Nations justice support programme and proposed the adoption of a results-based implementation plan, taking into consideration the Ministry's priorities. A total of 400 new magistrates have been appointed by the Supreme Council of the Magistracy. Furthermore, training programmes in court administration and case management for magistrates, court registrars and other officials have been developed with the assistance of the United Nations and other partners. These and other efforts continue in order to facilitate the deployment of judicial personnel nationwide.

IV. Way forward

National vision and strategy

12. Exchanges between MONUSCO and senior Government officials suggest that a strategic exercise to develop an overall vision for the security and justice sectors is a medium-term objective that needs to be undertaken gradually, in parallel with urgent or short-term priority activities within the various components of these sectors. MONUSCO will continue to engage the Congolese authorities and other partners in determining the most effective mechanisms or modalities for coordinating assistance and expertise in support of the development of this vision and strategy.

Coordination and partnership

13. MONUSCO supports the Government in encouraging a coordinated approach among partners in order to minimize competing, fragmented efforts on security sector reform and to focus resources on key priorities. All partners should adhere to the principle of aligning funding and other assistance with those key priorities, as feasible and appropriate.

14. The Government's stated preference is for nationally led coordination mechanisms with partners, such as the Police Reform Steering Committee for the police sector. Likewise, the Minister of Justice is auditing the Mixed Justice Committee with a view to increasing the capacity of that justice sector coordination mechanism. In this connection, MONUSCO is considering providing a United Nations adviser who would be co-located in the Ministry of Justice and would support, among other things, the strengthening of coordination and engagement with the United Nations, donors and other partners.

Component-specific approach

15. Progress in the reform of the security and justice sector components has been uneven, presenting a number of constraints and meaning that different levels of political commitment, resource allocation and technical expertise are needed to ensure continued progress in the various sectors. In this context, following consultations with the Government on ways in which MONUSCO could further support its efforts to move the security sector reform agenda forward, the Mission is

continuing to develop a tailored approach to supporting each component of the security sector.

Defence sector reform

16. The Vice-Prime Minister/Minister of Defence is examining how a draft military planning and budgetary law could serve as a framework for defining the main programmatic aspects of reform of the armed forces. He is also studying how such a draft law could be used as a tool for financial planning and resource allocation while also providing a timeline for monitoring progress on army reform. MONUSCO is also pursuing dialogue with senior Government officials regarding options for establishing a framework for planning, coordination and implementation of armed forces reform.

17. Practical actions that may be considered in the short term could include: the development of a single, harmonized training doctrine and standards for the armed forces, with coordinated support from MONUSCO and other international partners, including training and education for officers and other key cadres; a multi-partner coordinated effort to support a programme of continued training and equipping of armed forces units, whether combat battalions or rapid reaction forces, including the provision of support to strengthen command and control structures; and continued provision of support to strengthen the administrative and logistical capacities of the armed forces. Additional funding and other resources will need to be mobilized for these or other actions that may be identified, including new resources to tackle the urgent need to provide barracks and housing for the military and their dependants.

Disarmament, demobilization and reintegration

18. A comprehensive review is needed of the disarmament, demobilization and reintegration programmes that have been implemented since 2004 in order to identify more effective programme models and related resource needs, including for the sustainable reintegration of ex-combatants into civilian life. Following consultations with the Congolese authorities, MONUSCO is enhancing joint strategic and programmatic planning with the United Nations and other partners to develop a more holistic approach to disarmament, demobilization and reintegration within the framework of the stabilization and reconstruction plan for areas emerging from armed conflict/International Security and Stabilization Support Strategy. This approach targets those at risk of being recruited into armed groups and their communities in a strategy for community violence reduction. The threefold objectives of this strategy are to prevent recruitment by armed groups at the community level, reduce violence in surrounding communities and contribute to stabilization efforts. This strategy, combined with a revised reintegration model, also provides an essential foundation for an effective vetting programme for those being considered for military integration.

Police sector reform

19. Considerable progress has been achieved in the area of reform of the national police. MONUSCO will continue to focus its assistance on advocacy and providing support for the completion of the legal framework for the national police. It will also provide support in the following areas: mapping police institutions; implementing the police reform plan at the level of the General Commissariat and

General Inspectorate; establishing a general secretariat for security and public order in the Ministry of the Interior; and continuing to provide assistance to build the capacity of the police. Capacity-building activities include the rehabilitation or construction of training centres, police stations and housing and the provision of long-term basic training, specialized training and technical advice.

Justice and corrections sector reform

20. MONUSCO and the United Nations country team are finalizing, with the Ministry of Justice and Human Rights, modalities for the implementation of the multi-year joint United Nations justice support programme, which aims to eliminate duplication, increase results and optimize the use of resources. It is designed to respond to some of the Government's key priorities in the justice and corrections sectors. It includes a cross-cutting anti-corruption programme; the provision of support to develop a legal framework and institutions for the domestication of the Rome Statute of the International Criminal Court; and harmonization of a judicial data collection and management system as part of efforts to strengthen the functioning of the criminal justice system. It also includes an overhaul of the prison system through the implementation of the prison reform plan developed in 2006. This will address reforming the legal framework, management, organization and security of penitentiary facilities and the professionalization of all prison staff. MONUSCO will also continue to support the reform and strengthening of the military justice sector, including through the prosecution support cells.

Conclusion

21. The proposals outlined above could help to advance the security sector reform agenda provided that, in addition to the specific challenges identified within each component, the current political momentum in favour of security sector reform is maintained and that key national stakeholders and/or bilateral and multilateral partners avoid the pursuit of divergent reform agendas.